

IN THE SUPERIOR STATE/MAGISTRATE COURT OF FORSYTH COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

* INDICTMENT/ACCUSATION NO.:
*
*
*
*
*

v.

Dennis Ronald Marx

CHARGES: Poss MJ > 1oz, Poss firearm,
Poss w/intent alprazolam (x2),
Poss w/intent lorazepam (x2),
Sale of MJ, Manufacture MJ,
Use of communication device

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

WAIVER OF APPOINTED COUNSEL

AUG 15 2011

H. A. Oll
CLERK SUPERIOR COURT

I understand that under the Constitutions and laws of the United States and the State of Georgia, that if I am declared indigent, I am entitled to, and will be appointed an attorney at no expense to me. I also understand that by signing this waiver I am not prevented from requesting an attorney at a later time.

With full knowledge of these rights I hereby voluntarily waive court appointed counsel as I plan to either hire an attorney or represent myself on the above listed charges.

Dated this 12 day of Aug, 2011.

Deidra Kyle
Indigent Defense Office Representative

K. C. [Signature]
Defendant's Signature

Atty: Jeff Williams

9100
Social Security No.

6-13-65
Date of Birth

Mailing Address: 1405 Lakeside Trail, C. 30041

Physical Address: 7-490-4959-H

12CR-0218
WOAC
Waiver of Appointed Counsel
288006



IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 17 2011

A. A. Cole
CLERK SUPERIOR COURT

STATE OF GEORGIA,

V.

DENNIS MARX,

Defendant

CASE NUMBER:

POSS. AND SALE OF MARIJUANA;

POSS. OF FIREARM

NOTICE OF ENTRY OF APPEARANCE

Comes Now DENNIS MARX in the above styled action and notifies this Court that the Defendant is now represented by:

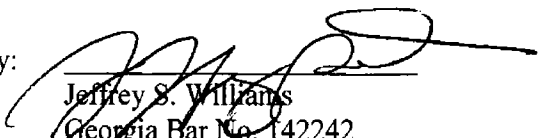
JEFFREY S. WILLIAMS
ATTORNEY AT LAW
3780 MANSELL ROAD - SUITE 470
ALPHARETTA, GEORGIA 30022

770-645-0990

This 15th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC

By:


Jeffrey S. Williams
Georgia Bar No. 142242
Attorney for Defendant

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com



IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,

V.

DENNIS MARX,

Defendant

CASE NUMBER:

POSS. AND SALE OF MARIJUANA;

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FORSYTH COUNTY GEORGIA
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AUG 17 2011

CLERK SUPERIOR COURT

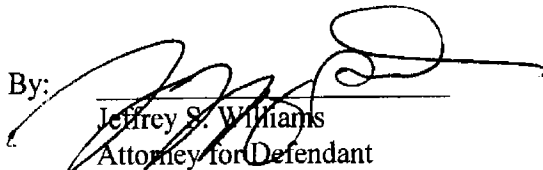
NOTICE OF INTENT TO PROCEED
UNDER O.C.G.A. 17-16-20, DISCOVERY

COMES NOW, Jeffrey S. Williams, Attorney, and files this notice to proceed under the above article regarding criminal discovery O.C.G.A. 17-16-20 et. seq. AND hereby makes a demand for a copy of the accusation, list of witnesses, tangible evidence, inspection, audio and video evidence, laboratory analysis and other discovery.

This 15th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC

By:


Jeffrey S. Williams
Attorney for Defendant
Georgia Bar No. 142242

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com



IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,

V.

DENNIS MARX,

Defendant

CASE NUMBER:
POSS. AND SALE OF MARIJUANA;
POSS. OF FIREARM

FORSYTH COUNTY GEORGIA
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MAO
CLERK SUPERIOR COURT

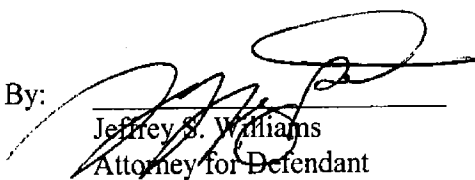
**DEMAND FOR COPY OF INDICTMENT
OR ACCUSATION AND LIST OF WITNESSES**

Defendant, pursuant to O.C.G.A. 17-16-21, hereby demands a copy of the list of witnesses and a copy of the indictment and accusation concerned herein. Said list of witnesses shall be supplemented as required.

This 15th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC

By:


Jeffrey S. Williams
Attorney for Defendant
Georgia Bar No. 142242

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com



IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,

V.

DENNIS MARX,

Defendant

CASE NUMBER:
POSS. AND SALE OF MARIJUANA;
POSS. OF FIREARM

FORSYTH COUNTY GEORGIA
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H. Hall
CLERK SUPERIOR COURT

**MOTION TO REQUIRE THE DISCLOSURE OF
EVIDENCE FAVORABLE TO THE DEFENDANT**

Comes now the Defendant in the above-styled case, and brings this Motion showing that he should be afforded with all information and evidence within the possession, custody and control of the state, or the existence of which is known, or by the execution of due diligence could become known to the State, that may be materially favorable to the Defendant, either of a direct or impeaching nature.

Defendant requests that an evidentiary hearing be held on this motion in order that a proper foundation may be laid as to what evidence, information and data is in the possession of the state, and further that the state be directed to make such disclosures immediately.

Defendant requests that he be afforded with any and all evidence and information, whether or not specifically delineated herein, that may be materially favorable to Defendant pursuant to Brady v. Maryland, 373 U.S. 83, (1963) and its progeny of federal and state courts decisions.

Defendant requests that all of the state's files, reports, statements and all other items specified herein should be properly identified, and examined in camera by the court, and that all items that are not disclosed to the Defendant pursuant to this motion be deposited into the registry of the court where they will be available for appellate review and/or post-conviction relief, if necessary.

Defendant requests that the court consider this motion as continuing and as requiring release of evidence to the Defendant during the course of this case if circumstances demand such release, even if previous circumstances did not.

Defendant further requests that he be allowed to copy, inspect, and be afforded with the following specific items, information, and material, to wit:

1.

(a) The names and addresses of all persons interviewed by the State in connection with this case, and the copy of any statement made by such person, or otherwise memorialized which is exculpatory as to the Defendant. Where no copy is available, Defendant requests the name, address and telephone number of the person or persons who heard the statement.

(b) The name of the person or persons conducting interviews of potential witnesses in this case, together with a copy and correct account of the interviews which include exculpatory evidence as to the Defendant. If more than one interview has been made as to any person, then a copy of the results of each interview should be produced.

2. In addition to any information covered by No. 1 above, and if not otherwise produced by the state, any and all tape or electronic recordings, written statements or summaries made thereof by any officer or employee of the state, with reference to all persons interviewed, whether they are to be called as witnesses for the state or not which contain exculpatory evidence as to the Defendant.

3. The total and complete investigative files on this case developed by any agency or bureau of the State, County or local municipality, which may have taken part in any phase of said investigation, together with all correspondence and communications concerning the same insofar as such files in part or in whole contain exculpatory evidence as to the Defendant.

4. Evidence of lack of criminal intent or knowledge by the Defendant.

5. Names, present addresses and telephone numbers of all persons known to the state who have any knowledge of the existence of any evidence which might be relevant to acts charged as a crime in this case, whether or not the state intends to use such persons as witnesses which evidence is exculpatory as to the Defendant.

6. Evidence of other transactions in which the Defendant is alleged to have been involved, not the subject matter of this case, which the state intends to use on the question of intent, or otherwise at trial.

7. Copy of any waivers of judicial process signed by Defendant.

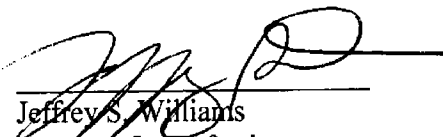
8. Names, present addresses and telephone numbers of any and all persons considered at any time by the State, to be a potential Defendant, Co-Defendant, Co-Conspirator or otherwise potentially criminally involved with the Defendant, or related to the factual circumstances from which the charges herein derived.

9. Names, present addresses and telephone numbers of any informants who provided information to the state in this case, whether or not the state intends to call such persons as witnesses against the Defendant.

10. Reports of any information from informants, and when those reports were received by the state, by and through any of its agencies, where the state is unaware of the identity of the informant.

This 15th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC.

By: 
Jeffrey S. Williams
Attorney for Defendant
Georgia Bar No. 142242

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,

V.

DENNIS MARX,

Defendant

CASE NUMBER:

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POSS. OF FIREARM

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CLERK SUPERIOR COURT

TANGIBLE EVIDENCE
INSPECTION, AUDIO AND VIDEO EVIDENCE, LABORATORY
ANALYSIS AND OTHER DISCOVERY

Pursuant to O.C.G.A. 17-16-23, et seq., Defendant hereby demands:

1. A copy of Defendant's Georgia Crime Information Center criminal history, if any.
2. To permit the Defendant at a time agreed to by the parties or ordered by the court to inspect and copy or photograph all books, papers, documents, photographs, tangible objects, audio and video tapes, films, and recordings, or copies or portions thereof and to inspect and photograph buildings or places which are within the possession, custody, or control of the state or prosecution and are intended for use by the prosecuting attorney as evidence in the prosecution's case-in-chief or rebuttal at the trial or were obtained from or belong to the Defendant.
3. Notify the Defendant whether any evidence is within the possession, custody, or control of the Forensic Sciences Division of the Georgia Bureau Investigation or other laboratory for the purposes of testing and analysis so that Defendant may examine test, and analyze such evidence at the GBI or other laboratory at a reasonable time prior to trial.
4. A copy of or permit the Defendant at a time agreed to by the parties or ordered by the court to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments, including: blood alcohol test results enforcement official, and a summary of the basis for any expert opinion rendered, or copies



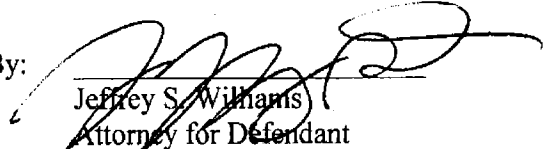
thereof, which are within the possession, custody, or control of the state or prosecution which the state intends to introduce in evidence in its case-in-chief or in rebuttal.

5. If prior to or during trial the prosecuting attorney discovers additional evidence or material previously requested or ordered which is subject to discovery or inspection under this article, such party shall promptly notify the other party of the existence of the additional evidence or material and make this additional evidence or material available as provided in this article.

This 15th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC

By:


Jeffrey S. Williams
Attorney for Defendant
Georgia Bar No. 142242

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

V.

DENNIS MARX,

Defendant

CASE NUMBER:
POSS. AND SALE OF MARIJUANA;
POSS. OF FIREARM

FORSYTH COUNTY, GEORGIA
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AUG 17 2011

A. R. Allen
CLERK SUPERIOR COURT

MOTION RESERVING THE RIGHT TO FILE ADDITIONAL MOTIONS

COMES NOW the Defendant, DENNIS MARX, by and through his undersigned counsel, and requests an Order of this Court reserving his right to file such additional motions as the future progression of this case may merit. As grounds for this Motion, Defendant states as follows:

1. Informal discovery is ongoing and incomplete. The problem of availability, as well as the propriety of revealing certain information in the possession of the State, may arise upon which Defendant may be compelled to file formal motions with the Court.

2. The complexity of the instant case against the Defendant may compel continuing analysis of materials discovered in the process of discovery.

3. Further, Defendant and his counsel have not yet had an opportunity to inspect all items of evidence or to have same tested by experts, which may very well lead to the necessity of additional substantive motions.

4. This Motion is made to insure Defendant's rights under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution.

WHEREFORE, Defendant prays that the Court grant this Motion and Order that the Defendant, DENNIS MARX, has reserved his right to file additional motions prior to the time of the trial of this case, as he may find necessary.

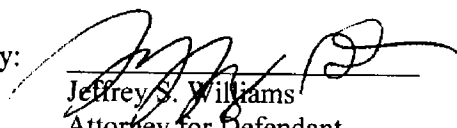
Signature follows on next page



This 15th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC.

By:


Jeffrey S. Williams
Attorney for Defendant
Georgia Bar No. 142242

3780 Mansell Road - Suite 470
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jwilliams@georgialegalresource.com

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 17 2011

H. A. All
CLERK SUPERIOR COURT

STATE OF GEORGIA,

V.

DENNIS MARX,

Defendant

CASE NUMBER:

POSS. AND SALE OF MARIJUANA;

POSS. OF FIREARM

**MOTION FOR DISCLOSURE OF ITEMS ARGUABLY SUBJECT TO SUPPRESSION
AND PRELIMINARY MOTION TO SUPPRESS**

DEFENDANT, DENNIS MARX, respectfully requests that the prosecution provide the following:

(1) A detailed description of all items, including property and currency, obtained by the prosecution voluntarily, by seizure, or by process from the Defendant, pursuant to arrest or during the investigation of this case. The state is required to maintain an inventory of any such property seized or acquired pursuant to O.C.G.A. § 17-5-2 (inventory of items seized without search warrant); O.C.G.A. § 17-5-29 (inventory to preserve property of accused while incarcerated); and, O.C.G.A. § 17-5-50 (police required to maintain list of property taken from prisoners). See also *Phillips v. State*, 167 Ga. App. 260, 305 S.E.2d 918 (1983) (under a warrantless search and seizure the burden of proving that the search and seizure was lawful in upon the state).

The discovery of the above is necessary in order for Defendant to determine whether a motion to suppress evidence should be filed in this case. See *Thomas v. State*, 118 Ga. App. 359, 163 S.E. 2d 850 (1968), cert denied, 394 U.S. 943, 89 S. Ct. 1273, 22 L.Ed. 2d 477 (1969) (motion to suppress shall be made before trial or hearing unless opportunity therefore did not exist or the Defendant was not aware of the grounds for the motion).

Defendant moves the Court, in this preliminary motion, to suppress all evidence and statements which were obtained in violation of the Fourth, Fifth, or Sixth Amendments to the Constitution of the United States of America; Article I, Section I, Paragraph XIII of the



Constitution of the State of Georgia and O.C.G.A. 17-5-30 (motion to suppress evidence illegally seized).

Since discovery has not been completed and the prosecution's disclosure of the information sought above has not occurred, this motion is being filed in preliminary form. This motion preserves Defendant DENNIS MARX' right to challenge the legality of any search and seizure of evidence that the State may introduce at trial against the Defendant.

Defendant DENNIS MARX requests that:

1) Supplementation of this motion be permitted after the prosecution discloses the information sought in Paragraph (1) above, or as additional facts become known to the Defendant;

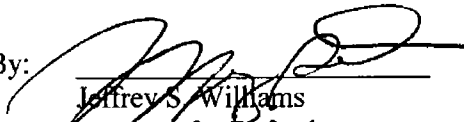
2) That the Court hold evidentiary hearings on this motion, as appropriate;

3) That the Defendant be permitted to file a brief subsequent to any hearing; and,

4) That the Court suppress all evidence obtained in violation of the constitutional and statutory rights enumerated above.

This 15th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC.

By: 
Jeffrey S. Williams
Attorney for Defendant
Georgia Bar No. 142242

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

V.

DENNIS MARX,

Defendant

CASE NUMBER:
POSS. AND SALE OF MARIJUANA;
POSS. OF FIREARM

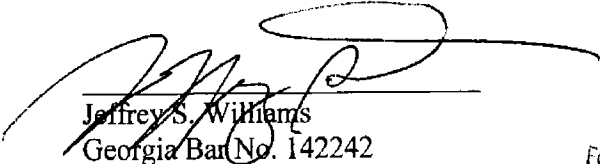
CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party in the foregoing matter with copies of **Notice of Entry of Appearance; Notice of Intent to Proceed Under O.C.G.A. 17-16-20; Demand for Copy of Indictment or Accusation and List of Witnesses; Motion to Require the Disclosure of Evidence Favorable to the Defendant; Tangible Evidence Inspection; Audio and Video Evidence, Laboratory Analysis and Other Discovery; Motion for Disclosure of Items Arguably Subject to Suppression and Preliminary Motion to Suppress; Motion Reserving the Right to File Additional Motions;** by depositing said copies in the United States Mail in a properly addressed envelope with adequate postage thereon to insure proper delivery to:


Ms. Sandra Partridge, Esq. District Attorney's Office Bell-Forsyth Judicial Circuit 100 Courthouse Square Cumming, GA 30040	Connie Griffin w/ Notice of Entry only Clerk, Magistrate Court of Forsyth County 1090 Tribble Gap Road Cumming, GA 30040
---	---

This 15th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC


Jeffrey S. Williams
Georgia Bar No. 142242
Attorney for Defendant

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE
AUG 17 2011

CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,

V.

DENNIS MARX,

Defendant

CASE NUMBER: DA11-470

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 18 2011

[Signature]
CLERK SUPERIOR COURT

MOTION TO SET BOND

NOW COMES, Defendant, by and through his undersigned counsel, Jeffrey S. Williams, in the above styled action and makes this application for bond, and shows this Honorable Court as follows:

1. Defendant is being held in the Forsyth County Detention Center without bond.
2. Defendant is being held on the following charges without a conviction or guilty plea:
 - a) Sale of Marijuana – O.C.G.A. 16-13-30(b);
 - b) Use of a communication facility in the commission of a felony – O.C.G.A. 16-13-32.3;
 - c) Criminal attempt to manufacture - O.C.G.A. 16-13-30(b);
 - d) Possession of Marijuana with intent to distribute – O.C.G.A. 16-13-30(b);
 - e) Possession of Marijuana more than one ounce – O.C.G.A. 16-13-30(a);
 - f) Possession of a Firearm in the commission of a felony – O.C.G.A. 16-11-106;
 - g) Possession of Schedule 4 with intent to distribute (x 4) – O.C.G.A. 16-13-28;
3. Defendant will appear when required.
4. Defendant poses no threat to the community and is well known.
5. Defendant is not violent.
6. Defendant has family living in the community.

State of Georgia vs Dennis Marx

12CR-0218
MOTBND
Motion for Bond
288019



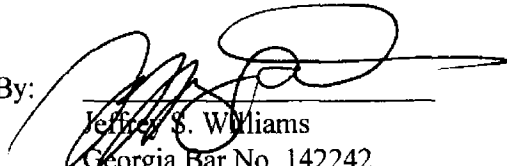
7. Defendant's owns a home in the County located at 1405 Lakeside Trail, Cumming, Georgia 30041.

8. Defendant shows that due to the circumstances hereinbefore set forth, the failure to set bond is unjust and served to deprive him of his right to bail bond afforded him by the Eight and Fourteenth Amendments of the Constitution of the United States and Article I, Section I, Par. XVII, of the Constitution of the State of Georgia of 1983.

Wherefore, Defendant DENNIS MARX requests that a Rule Nisi issue requiring the District Attorney of this judicial circuit show cause why Defendant's Motion for Bond should not be granted and the Court to exercise it's reasonable discretion under O.C.G.A. 17-6-1 in granting the relief requested. Defendant further prays that permission be granted to sign own bond, or have the bond set to an amount that can be made by this defendant.

This 16th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC

By: 
Jeffrey S. Williams
Georgia Bar No. 142242
Attorney for Defendant

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com

**IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,

V.

CASE NUMBER: DA11-470

DENNIS MARX,

Defendant

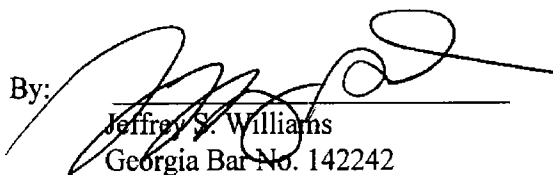
CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party in the foregoing matter with a copy of the **Motion for Bond** by depositing said copies in the United States Mail in a properly addressed envelope with adequate postage thereon to insure proper delivery to:

Ms. Sandra Partridge, Esq.
District Attorney's Office
Bell-Forsyth Judicial Circuit
100 Courthouse Square
Cumming, GA 30040

This 16th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC

By: 
Jeffrey S. Williams
Georgia Bar No. 142242
Attorney for Defendant

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com



Penny A. Henn
DISTRICT ATTORNEY

State of Georgia
District Attorney
of the
Bell-Forsyth Judicial Circuit

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 18 2011

H. A. Henn
CLERK SUPERIOR COURT

August 17, 2011

TELEPHONE (770) 781-2125
FACSIMILE (770) 781-2236

Jeffrey S. Williams, Esq.
3780 Mansell Road
Suite 470
Alpharetta, Georgia 30022

RE: State vs. Dennis Marx
District Attorney File Number: DA-11-470

Dear Mr. Williams:

I am in receipt of your notice of election to proceed pursuant to the provisions of O.C.G.A. 17-16-1, et. Seq. Accordingly, the State will make its entire file available for your review and photocopying. Please contact my secretary, Ms. Diann R. Mims at 770-781-2125, to schedule a convenient time.

Copies are .25 per page. Please provide payment by cash in the correct amount only or check made payable to the District Attorney's Office. If you wish to have any audio/video tapes copied, please provide a blank tape to my investigator, Mr. Andy Kalin, and he will assist you. He may also be reached at the above number.

If you have any questions or need further assistance, please give me a call.

Sincerely,

James A. Dunn
Assistant District Attorney
Bell-Forsyth Judicial Circuit

cc: Clerk of Superior Court

12CR-0218
DFD
State's Demand for Discovery
288011



IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

Dennis Marx

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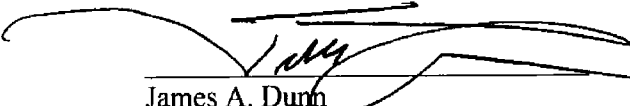
UNINDICTED NO.: DA-11-470

STATE'S DEMAND FOR DISCOVERY

Comes now the State pursuant to O.C.G.A. § 17-16-1 et.seq., in as much as the defendant has filed notice of its intent to opt into the said statute, and demands from the defendant the following:

1. A list of witnesses including the names, current locations, dates of birth and telephone numbers;
2. That the defendant supply for inspection, photographing and photo copying, all documentary and tangible evidence in the possession or control of the defendant, which the defendant intends to introduce in its case-in-chief or in rebuttal;
3. The reports of all physical or mental examinations and of scientific tests or experiments including the summary of the basis for the expert opinion rendered in the report if the defendant intends to introduce results in the case-in-chief or in rebuttal;
4. Any and all statements of any witnesses in the possession and control of the defendant or defendant's counsel that relates to the subject matter concerning the testimony of the witness that the defendant intends to call at trial or at any pre-trial evidentiary hearings; and
5. Any and all other items as required pursuant to said statute.

This 17th day of August, 2011.


James A. Dunn
Assistant District Attorney
Bell-Forsyth Judicial Circuit

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

Dennis Marx

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UNINDICTED NO.: DA-11-470

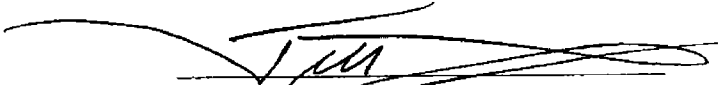
DEMAND FOR NOTICE OF ALIBI AND LIST OF ALIBI WITNESSES

Comes now the State pursuant to O.C.G.A. § 17-6-5(a) and demands that the defendant supply the State, with written notice of (1) its intention to offer evidence of an alibi, including the location of the specific place or places at which the defendant claims to have been at the time of the offense and (2) the name, address, date of birth, and telephone number of any and all witnesses the defendant intends to rely upon to establish an alibi.

In this regard, the State notifies the defendant of the following:

- 1) Date of offense: August 1 and August 8, 2011.
- 2) Location of offense: Forsyth County

This 17th day of August, 2011.


James A. Dunn
Assistant District Attorney
Bell-Forsyth Judicial Circuit

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

Dennis Marx

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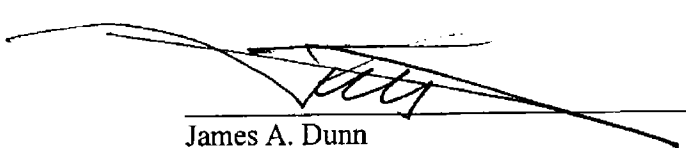
UNINDICTED NO.: DA-11-470

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing STATE'S DEMAND FOR DISCOVERY/DEMAND FOR NOTICE OF ALIBI AND LIST OF ALIBI WITNESSES has been placed in the United States Mail with sufficient postage thereon to insure delivery to:

Jeffrey S. Williams, Esq.
3780 Mansell Road
Suite 470
Alpharetta, Georgia 30022

This 17th day of August, 2010.



James A. Dunn
Assistant District Attorney
Bell-Forsyth Judicial Circuit

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 18 2011

H. B. Cobb
CLERK SUPERIOR COURT

STATE OF GEORGIA,

V.

CASE NUMBER: DA11-470

DENNIS MARX,

Defendant

NOTICE OF ENTRY OF APPEARANCE

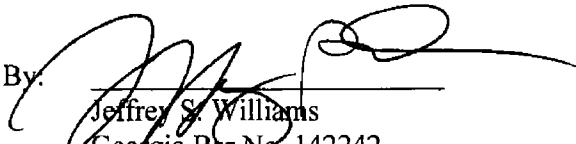
Comes Now DENNIS MARX in the above styled action and notifies this Court that the Defendant is now represented by:

JEFFREY S. WILLIAMS
ATTORNEY AT LAW
3780 MANSELL ROAD - SUITE 470
ALPHARETTA, GEORGIA 30022

770-645-0990

This 16th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC

By: 
Jeffrey S. Williams
Georgia Bar No. 142242
Attorney for Defendant

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com

12CR - 0218
EOA
Entry of Appearance
288018



IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

V.

DENNIS MARX,

Defendant

CASE NUMBER: DA11-470

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party in the foregoing matter with copies of **Notice of Entry of Appearance** by depositing said copies in the United States Mail in a properly addressed envelope with adequate postage thereon to insure proper delivery to:

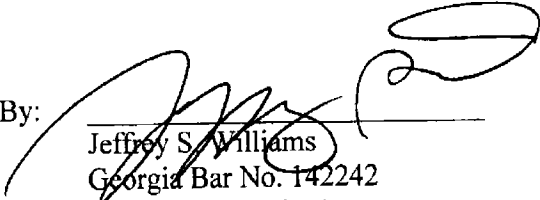
Ms. Sandra Partridge, Esq.
District Attorney's Office
Bell-Forsyth Judicial Circuit
100 Courthouse Square
Cumming, GA 30040

Connie Griffin
Clerk, Magistrate Court of Forsyth County
1090 Tribble Gap Road
Cumming, GA 30040

This 16th day of August, 2011.

The Law Offices of Jeffrey S. Williams, LLC

By:


Jeffrey S. Williams
Georgia Bar No. 142242
Attorney for Defendant

3780 Mansell Road - Suite 470
Alpharetta, Georgia 30022
770-645-0990
770-645-0998 (Fax)
jwilliams@georgialegalresource.com

IN THE SUPERIOR COURT OF FORSYTH COUNTY

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

STATE OF GEORGIA

AUG 26 2011

STATE OF GEORGIA,

*
*
*
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*
*

UNINDICTED

[Signature]
CLERK SUPERIOR COURT

v.

WARRANT NO(S):

DENNIS R. MARX

ORDER

Comes now the State of Georgia, by and through the District Attorney's Office and counsel for the defendant hereby consenting that the defendant be released on bond in the amount of \$ 30,000.00, subject to the following conditions:

1. Defendant shall not violate any laws of any governmental unit;
2. Defendant shall neither threaten or endanger any person or property in the community;
3. Defendant will not associate with any individuals who have been convicted of a violation of the law nor shall the defendant associate with any individuals deemed to be inappropriate by law enforcement due to said individual's participation in criminal activity and the defendant is to avoid persons or places of harmful or disreputable character;
4. Defendant shall neither possess nor consume any controlled substances without a prescription nor shall defendant occupy any residence or vehicle in which controlled substances are present;
5. Defendant shall neither possess or consume any alcoholic beverage nor shall defendant occupy any residence or vehicle in which any alcoholic beverage is present;
6. Defendant shall appear in Court when required;
7. Defendant shall have absolutely no contact with any witnesses or her co-defendants, in this case, including but not limited to contact via writing, telephone calls or third parties;
8. Defendant shall neither intimidate any witness nor otherwise obstruct the administration of justice;
9. Defendant shall reside at the following address:

1405 LAKESIDE TRAIL

CUMMING, GA 30041

12GR-0218
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Bond Order
288007

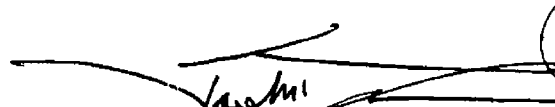


10. Defendant shall obtain and maintain fulltime employment and shall provide proof of employment to Pre-trial Services;
11. Defendant shall not possess any firearms nor occupy any residence or vehicle in which firearms are present.
12. Defendant consents to a waiver of his rights under State and Federal law against search and seizure as long as he is subject to this bond order and shall submit to such searches of his person and home as may be requested by law enforcement personnel;
13. Defendant shall report in person to pre-trial services on the first Thursday following release between 1:00 PM and 4:00 PM, and at such other time(s) that he is directed by Mr. Robert Tavenier Pre-Trial Services is located in the Forsyth County Government building at 101 E. Main Street, Suite D, Cumming Georgia 30040. The phone number is (770) 781-2158.
14. Defendant shall submit to random drug and alcohol screens as required by Mr. Robert Tavenier at Pre-Trial Services.
15. Said bond shall be returnable to the Forsyth County Courthouse, Cumming, Georgia at 9:00 AM on a date as directed by the Forsyth County Sheriff.
16. Defendant waives his preliminary hearing.

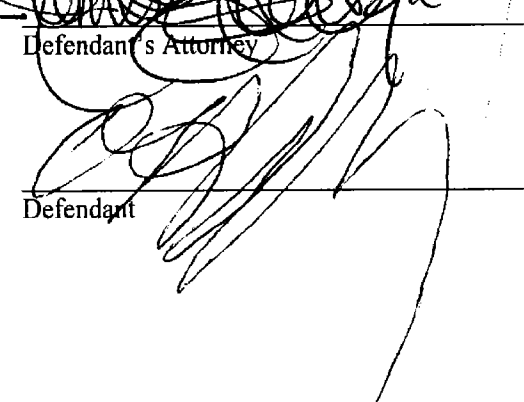
SO ORDERED, this 26th day of August, 2011.


JUDGE, SUPERIOR COURT
Bell-Forsyth Judicial Circuit

Consented to by:


James A. Dunn
Assistant District Attorney
Bell-Forsyth Judicial Circuit


Defendant's Attorney


Defendant

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 30 2011

H. H. Oll
CLERK SUPERIOR COURT

STATE OF GEORGIA,

vs.

DENNIS R. MARX,

Defendant.

UNINDICTED

(V.G.C.S.A.)

SUBSTITUTION OF COUNSEL

COMES NOW, James E. Hardy, II, Esq., who makes his entry of appearance in
substitution of counsel for the Defendant in the above-styled case, thereby replacing previous
counsel of record, Jeffery Williams, Esq.

This 30th day of August, 2011.

Respectfully submitted,

James E. Hardy, II
JAMES E. HARDY, II
Substitution Counsel for Defendant
State Bar No. 325790

Jeffery Williams
JEFFREY WILLIAMS
Previous Counsel for Defendant
State Bar No. 142242

w/express permission
(JH)

12CR - 0218
SUBCOU
Substitution of Counsel
200009



IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 30 2011

CLERK SUPERIOR COURT

STATE OF GEORGIA)

vs.)

DENNIS R. MARX,)

Defendant.)

UNINDICTED
(V.G.C.S.A.)

DISCOVERY PACKAGE INDEX

COMES NOW, the Defendant herein, by and through his attorney of record, who hereby files the initial discovery package and index which follows:

- (a) Notice of Defendant's Election to Proceed under O.C.G.A. § 17-16-1 et seq.;
- (b) Request by Defendant for Production of Discoverable Material;
- (c) Motion for Discovery, Inspection, Production and Copying of Evidence Favorable to the Accused and for *in camera* inspection, with Incorporated Authority;
- (d) Motion for Pretrial Disclosure of Evidence of Independent and Separate Offenses, Wrongs or Acts;
- (e) Motion to Set Dates for Production or Disclosure of Discoverable Material or Evidence;
- (f) Preliminary Motion to Suppress; and,
- (g) Certificate of Service.

Respectfully submitted,


JAMES E. HARDY, II

Attorney for Defendant
State Bar No. 325790

JAMES E. HARDY, II, P.C.
341-C Dahlonega Street
Cumming, Georgia 30040
(770) 886-1996

12CR-0218
DISCPAC
Discovery Package
288010



IN THE SUPERIOR COURT OF FORSYTH COUNTY, GEORGIA
FILED IN THIS OFFICE

STATE OF GEORGIA

AUG 30 2011

STATE OF GEORGIA)

vs.)

DENNIS R. MARX,)

Defendant.)

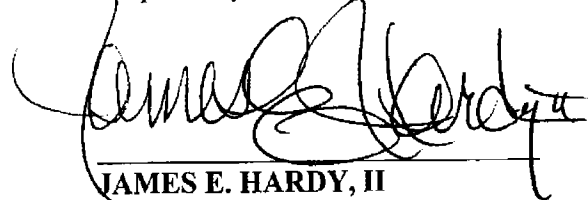
UNINDICTED
(V.G.C.S.A.)

A. J. Oll
CLERK SUPERIOR COURT

**NOTICE OF DEFENDANT'S ELECTION TO PROCEED
UNDER O.C.G.A. § 17-16-1 ET SEQ.**

COMES NOW, the Defendant herein, by and through his attorney of record, who hereby provides written notice, pursuant to *O.C.G.A.* § 17-16-2(a), that he elects to have the provisions of *O.C.G.A.* § 17-16-1, *et seq.*, apply to this case.

Respectfully submitted,



JAMES E. HARDY, II
Attorney for Defendant
Ga. Bar No. 325790

JAMES E. HARDY, II, P.C.
341-C Dahlonega Street
Cumming, Georgia 30040
(770) 886-1996

IN THE SUPERIOR COURT OF FORSYTH COUNTY FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE
STATE OF GEORGIA

AUG 30 2011

STATE OF GEORGIA)

vs.)

DENNIS R. MARX,)

Defendant.)
_____)

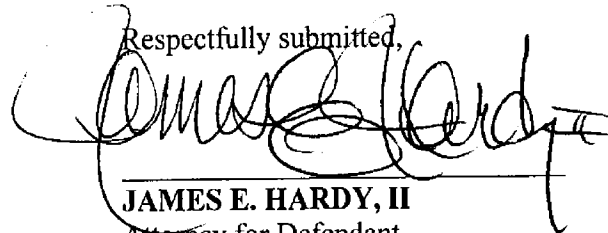
UNINDICTED
(V.G.C.S.A.)

H. A. Oll
CLERK SUPERIOR COURT

**REQUEST BY DEFENDANT
FOR PRODUCTION OF DISCOVERABLE MATERIAL**

COMES NOW, the Defendant herein, having elected to have the provisions of *O.C.G.A.* § 17-16-1, *et seq.*, apply to his case, hereby requests, in writing, that the State disclose to the defense or produce to the defense for inspection, copying, photographing, examination, testing or analysis, as required by *O.C.G.A.* § 17-16-4(a), all materials, items, buildings, places or information described in *O.C.G.A.* § 17-16-4(a).

Respectfully submitted,



JAMES E. HARDY, II
Attorney for Defendant
Ga. Bar No. 325790

JAMES E. HARDY, II, P.C.
341-C Dahlonega Street
Cumming, Georgia 30040
(770) 886-1996

**IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA)

vs.)

DENNIS R. MARX,)

Defendant.)
_____)UNINDICTED
(V.G.C.S.A)FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 30 2011


CLERK SUPERIOR COURT

**MOTION FOR DISCOVERY, INSPECTION, PRODUCTION AND COPYING
OF EVIDENCE FAVORABLE TO THE ACCUSED AND FOR IN CAMERA
INSPECTION, WITH INCORPORATED AUTHORITY**

COMES NOW, the Defendant herein, by and through his attorney of record, who respectfully moves this Court, pursuant to the *Fifth*, *Sixth*, and *Fourteenth Amendments* to the *United States Constitution*, and Article I, § I, ¶ I, XI and XIV of the *Georgia Constitution*, as construed and applied in *Brady v. Maryland*, 373 U.S. 83 (1970) and its progeny including, *Giles v. Maryland*, 386 U.S. 66 (1967); *Giglio v. United States*, 405 U.S. 105 U.S. 105 (1972); and, *Hicks v. State*, 232 Ga. 393 (1974), to order the District Attorney to permit defense counsel to inspect and copy all evidence in the possession and control of the State which may be favorable to the Defendant and material to the issues of guilt or punishment or could reasonably weaken or affect any evidence proposed to be introduced against the Defendant at trial or at sentencing. The evidence sought is to include, but not be limited to:

1.

All evidence, including statements of individuals, physical evidence or test results indicating or tending to indicate that the Defendant is not guilty of the offense charged or which is mitigating on the issue of sentence.

2.

All statements of any witness which contradict, in any way, the statements of other witnesses or which contradict other statements made by that witness.

3.

All reports, memoranda or other information in possession of the State, which contain information exculpatory, helpful, favorable or arguably favorable to the Defendant on the Defendant's guilt or innocence or as to sentence.

4.

The criminal records and any lists or summary reflecting criminal records of all persons whom the State intends to call as witness in the trial of the Defendant or at sentencing pursuant to O.C.G.A. § 35-3-34.

5.

All memoranda, documents or reports of any scientific tests or experiments or studies made in connection with the above-styled case, including any polygraph examinations of any witness, which may be arguably favorable to the defense.

6.

All material now known to the State, or which may become known, which is exculpatory in nature or favorable to the accused or which may lead to exculpatory material. This request includes reports of any investigations conducted by the State, or its officers, deputies or agents, of individuals other than the Defendant.

7.

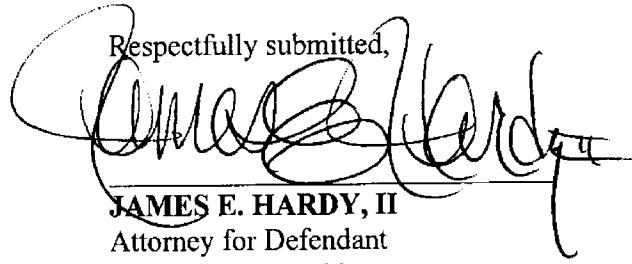
The State is required to reveal to the defense not only information "in its file", but should also be ordered to make inquiry of all law enforcement or other agencies involved in this prosecution and to require those agencies to review their files and provide to the prosecution any information arguably favorable to the Defendant, including information specifically described above. A minimum inquiry should be made of the investigating law enforcement agencies; including, but not limited to, County Sheriff's Offices, city and county Police Departments, and any and all other law enforcement agencies. *See, e.g., Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555, 131 L.Ed2d 490 (1995); *United States v. Scheer*, 168 F.3d 445 (11th Cir. 1999); *United States v. Bagley*, 473 U.S. 667 (1985); *Pennsylvania v. Ritchie*, 480 U.S. 54, 57-61 (1987); *Freeman v. Georgia*, 599 F.2d 64, 69 (5th Cir. 1975)(State held accountable for information known only to investigating police detective); *Brown v. State*, 261 Ga. 66, 401 S.E.2d 492 (1992); *Issacs v. State*, 259 Ga. 717, 386 S.E.2d 316 (1989).

8.

The State may well provide to the defense its complete file, including everything requested herein. If not, the Defendant does not wish to entrust to the prosecution the unilateral power to ascertain, from its perspective as an advocate, which information is exculpatory and which is not. Accordingly, should the State not provide to the defense for inspection its entire file, the Defendant insists on the Court conducting an *in camera* view of the State's file to identify and isolate information to which the Defendant is constitutionally entitled. *Tribble v. State*, 248 Ga. 274, 275 (1981); *Osborn v. State*, 161 Ga. App. 132, 137(5)(1982).

WHEREFORE, the Defendant respectfully prays that his *Motion* be granted.

Respectfully submitted,



JAMES E. HARDY, II
Attorney for Defendant
Ga. Bar No. 325790

JAMES E. HARDY, II, P.C.
341-C Dahlonaga Street
Cumming, Georgia 30040
(770) 886-1996

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 30 2011

[Signature]
CLERK SUPERIOR COURT

STATE OF GEORGIA)

vs.)

DENNIS R. MARX,)

Defendant.)

UNINDICTED
(V.G.C.S.A.)

**MOTION FOR PRETRIAL DISCLOSURE OF EVIDENCE
OF INDEPENDENT AND SEPARATE OFFENSES, WRONGS OR ACTS**

COMES NOW, the Defendant herein, by and through his attorney of record, who hereby moves this Honorable Court to order the prosecution to immediately disclose all evidence of independent and separate offenses, wrongs, or acts which the prosecution may attempt to introduce at trial to show motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident regarding the Defendant's actions or conduct, including any evidence to be offered as alleged "prior difficulties" between the Defendant and the alleged victim. *See, Uniform Superior Court Rules, Rules 31.1 and 31.3; See also, Maxwell v. State*, 262 Ga. 72(2)(1992).

Respectfully submitted,

[Signature of James E. Hardy, II]

JAMES E. HARDY, II
Attorney for Defendant
Ga. Bar No. 325790

JAMES E. HARDY, II, P.C.
341-C Dahlonega Street
Cumming, Georgia 30040
(770) 886-1996

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

vs.

DENNIS R. MARX,

Defendant.

**UNINDICTED
(V.G.C.S.A.)**

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 30 2011

CLERK SUPERIOR COURT

**MOTION TO SET DATES FOR PRODUCTION OR DISCLOSURE
OF DISCOVERABLE MATERIAL OR INFORMATION**

COMES NOW, the Defendant herein, by and through his attorney of record, who, having elected to have the provisions of ***O.C.G.A.*** § 17-6-1 *et seq.* apply to this case, and having requested in writing the production and/or disclosure of all materials or information described in ***O.C.G.A.*** § 17-16-4(a), requests that the Court set the following dates for the State's compliance with its discovery duties:

1.

The State shall disclose to the defense and make available for inspection, copying or photographing all material or information described in *O.C.G.A.* § 17-16-4(a)(1), no later than **ten (10) days** prior to trial.

2.

The State shall furnish to the defense a copy of the Defendant's Georgia Crime Information Center criminal history, as required by *O.C.G.A.* § 17-16-4(a)(1), no than **ten (10) days** prior to trial.

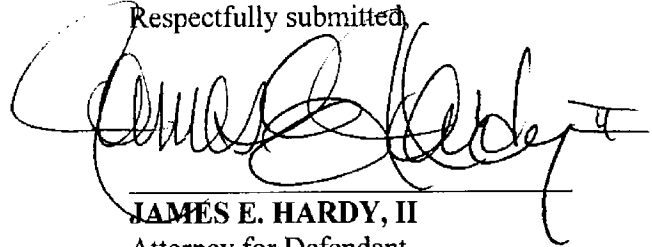
3.

The State shall make available to the defense for inspection, copying or photographing all items, buildings or places described in *O.C.G.A.* § 17-16-4(a)(3), no later than **ten (10) days** prior to trial, with the exception of items in the possession or control of the Forensic Sciences Division of the Georgia Bureau of Investigation or other laboratory, which items shall be made available for examination, testing or analysis at the facility where the evidence is being held, no later than **ten (10) days** prior to trial.

4.

The State shall make available for inspection or copying all material described in *O.C.G.A.* § 17-16-4(q)(4), no later than **ten (10) days** prior to trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James E. Hardy, II', written over a horizontal line.

JAMES E. HARDY, II

Attorney for Defendant

Ga. Bar No. 325790

JAMES E. HARDY, II, P.C.

341-C Dahlonga Street
Cumming, Georgia 30040
(770) 886-1996

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

STATE OF GEORGIA)

vs.)

DENNIS R. MARX,)

Defendant.)
_____)

UNINDICTED
(V.G.C.S.A.)

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 30 2011

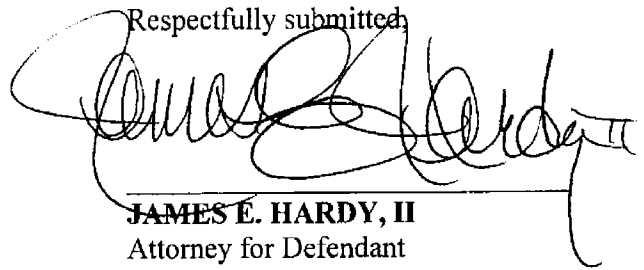
H. C. H.
CLERK SUPERIOR COURT

PRELIMINARY MOTION TO SUPPRESS

COMES NOW, the Defendant herein, by and through his attorney of record, who moves this Court to suppress any and all evidence illegally seized by law enforcement agents during the investigation of this case; including, but not limited to contraband, post-custodial statements and intercepted oral or wire communications, and audio and/or video surveillance.

As the Defendant has not been furnished with full discovery at this time, he requests the opportunity to particularize this Motion within a reasonable time of receiving said discovery information.

Respectfully submitted,



JAMES E. HARDY, II
Attorney for Defendant
Ga. Bar No. 325790

JAMES E. HARDY, II, P.C.
341-C Dahlenega Street
Cumming, Georgia 30040
(770) 886-1996

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 30 2011

A. J. Hardy
CLERK OF SUPERIOR COURT

STATE OF GEORGIA)

vs.)

DENNIS R. MARX,)

Defendant.)

UNINDICTED
(V.G.C.S.A.)

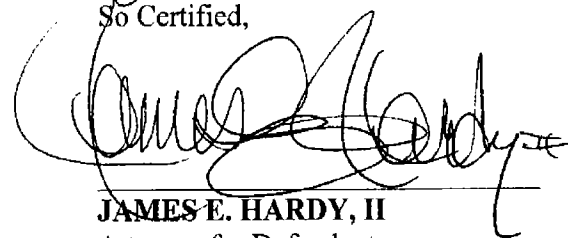
CERTIFICATE OF SERVICE

I HEREWITH CERTIFY that I have this day served counsel for the opposing party in the foregoing matter with a copy of this: **NOTICE OF DEFENDANT'S ELECTION TO PROCEED UNDER O.C.G.A. § 17-16-1 ET SEQ.; REQUEST BY DEFENANT FOR PRODUCTION OF DISCOVERABLE MATERIAL; MOTION FOR DISCOVERY, INSPECTION, PRODUCTION AND COPYING OF EVIDENCE FAVORABLE TO THE ACCUSED AND IN CAMERA INSPECTION WITH INCORPORATED AUTHORITY; MOTION FOR PRETRIAL DISCLOSURE OF EVIDENCE OF INDEPENDENT AND SEPARATE OFFENSES, WRONGS OR ACTS; and, MOTION TO SET DATES FOR PRODUCTION OR DISCLOSURE OF DISCOVERABLE MATERIAL OR INFORMATION, PRELIMINARY MOTION TO SUPPRESS** by hand-delivering the same to:

PENNY A. PENN, DISTRICT ATTORNEY
or ADA ASSIGNED TO CASE
Office of the District Attorney
Forsyth County Courthouse
Cumming, Georgia

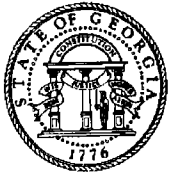
This 30th day of August, 2011.

So Certified,



JAMES E. HARDY, II
Attorney for Defendant
Ga. Bar No. 325790

JAMES E. HARDY, II, P.C.
341-C Dahlonega Street
Cumming, Georgia 30040
(770) 886-1996



Henry A. Penn
DISTRICT ATTORNEY

State of Georgia
District Attorney
of the
Bell-Forsyth Judicial Circuit

September 1, 2011

TELEPHONE (770) 781-2125
FACSIMILE (770) 781-2236

James E. Hardy, Esq.
341-C Dahlonega Street
Cumming, Georgia 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

SEP 01 2011

RE: State vs. Dennis Marx
District Attorney File Number: DA-11-470

468
CLERK OF SUPERIOR COURT

Dear Mr. Hardy:

I am in receipt of your notice of election to proceed pursuant to the provisions of O.C.G.A. 17-16-1, et. Seq. Accordingly, the State will make its entire file available for your review and photocopying. Please contact my secretary, Ms. Diann R. Mims at 770-781-2125, to schedule a convenient time.

Copies are .25 per page. Please provide payment by cash in the correct amount only or check made payable to the District Attorney's Office. If you wish to have any audio/video tapes copied, please provide a blank tape to my investigator, Mr. Andy Kalin, and he will assist you. He may also be reached at the above number.

If you have any questions or need further assistance, please give me a call.

Sincerely,

James A. Dunn
Assistant District Attorney
Bell-Forsyth Judicial Circuit

cc: Clerk of Superior Court

12CR-0218
OFD
State's Demand for Discovery
288008



IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

Dennis Marx

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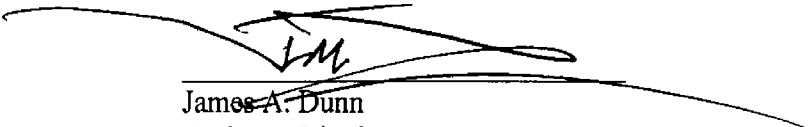
UNINDICTED NO.: DA-11-470

STATE'S DEMAND FOR DISCOVERY

Comes now the State pursuant to O.C.G.A. § 17-16-1 et.seq., in as much as the defendant has filed notice of its intent to opt into the said statute, and demands from the defendant the following:

1. A list of witnesses including the names, current locations, dates of birth and telephone numbers;
2. That the defendant supply for inspection, photographing and photo copying, all documentary and tangible evidence in the possession or control of the defendant, which the defendant intends to introduce in its case-in-chief or in rebuttal;
3. The reports of all physical or mental examinations and of scientific tests or experiments including the summary of the basis for the expert opinion rendered in the report if the defendant intends to introduce results in the case-in-chief or in rebuttal;
4. Any and all statements of any witnesses in the possession and control of the defendant or defendant's counsel that relates to the subject matter concerning the testimony of the witness that the defendant intends to call at trial or at any pre-trial evidentiary hearings; and
5. Any and all other items as required pursuant to said statute.

This 1st day of September, 2011.


James A. Dunn
Assistant District Attorney
Bell-Forsyth Judicial Circuit

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

Dennis Marx

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UNINDICTED NO.: DA-11-470

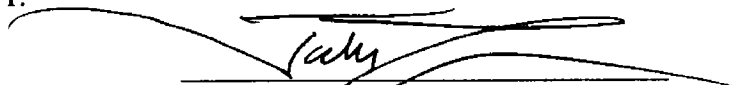
DEMAND FOR NOTICE OF ALIBI AND LIST OF ALIBI WITNESSES

Comes now the State pursuant to O.C.G.A. § 17-6-5(a) and demands that the defendant supply the State, with written notice of (1) its intention to offer evidence of an alibi, including the location of the specific place or places at which the defendant claims to have been at the time of the offense and (2) the name, address, date of birth, and telephone number of any and all witnesses the defendant intends to rely upon to establish an alibi.

In this regard, the State notifies the defendant of the following:

- 1) Date of offense: August 1, 2011 and August 8, 2011.
- 2) Location of offense: Forsyth County

This 1st day of September, 2011.


James A. Dunn
Assistant District Attorney
Bell-Forsyth Judicial Circuit

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

Dennis Marx

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UNINDICTED NO.: DA-11-470

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing STATE'S DEMAND FOR DISCOVERY/DEMAND FOR NOTICE OF ALIBI AND LIST OF ALIBI WITNESSES has been placed in the United States Mail with sufficient postage thereon to insure delivery to:

James E. Hardy, Esq.
341-C Dahlonga Street
Cumming, Georgia 30040

This 1st day of September, 2011.



James A. Dunn
Assistant District Attorney
Bell-Forsyth Judicial Circuit

GENERAL BILL OF INDICTMENT

WITNESSES:

(See attached list)

CASE NO. 12CR-0218
 FORSYTH SUPERIOR COURT
 MARCH TERM, 2012
 THE STATE OF GEORGIA
 VS.

DENNIS RONALD MARX

True BILL
4. 9, 2012.
Altona C. High
 Grand Jury Foreperson

[Signature]
 Grand Jury Bailiff

Filed In Office This 9th Day Of
April, 2012.

[Signature]
 Clerk, Superior Court

PENNY A. PENN, District Attorney

The defendant _____ waives copy of indictment, list of witnesses and pleads _____ Guilty. This the ____ day of _____, 20__.	The defendant _____ waives copy of indictment, list of witnesses and pleads _____ Guilty. This the ____ day of _____, 20__.	The defendant _____ waives copy of indictment, list of witnesses and pleads _____ Guilty. This the ____ day of _____, 20__.
Defendant _____	Defendant _____	Defendant _____
Attorney for Defendant _____	Attorney for Defendant _____	Attorney for Defendant _____
ADA _____	ADA _____	ADA _____

VERDICT

We, the Jury, find the defendant _____.
 This the _____ day of _____, 20__.
 _____ Foreperson

12CR - 0218
 IND
 Indictment
 285861



12cr-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX

Page Two of Seven

STATE OF GEORGIA, COUNTY OF FORSYTH

IN THE SUPERIOR COURT OF FORSYTH COUNTY

THE GRAND JURORS selected, chosen and sworn for the County of Forsyth, to wit:

1. Charles Edward Maxwell, Foreperson

- | | |
|---|-----------------------------------|
| 2. Deborah Courtney Rigby - Asst. Foreperson | 13. David Wesley Zimmer |
| 3. Polly A. Rickman -Clerk | 14. Darryl Bruce Parsons |
| 4. Raiza Ivelisse Otero - Asst. Clerk | 15. Dorothy Simonds Little |
| 5. Carlos Emil Rivera | 16. Joseph Arthur Allison |
| 6. Peter A. Wiktorski, Jr. | 17. Tanya A. Jarrell |
| 7. Derek Dixon McCord | 18. Ester Lucia Alarcon |
| 8. Raymond A. Pontes | 19. Pamela Luper Smith |
| 9. Ryan Alexander Bridges | 20. Laura A. Stang |
| 10. Brian Rawlin | 21. Teddy Lamar Brooks |
| 11. Rodney Stephen Bryant | 22. Edward Edgar Wood |
| 12. Stacy L. Tomassetti | 23. Lynn M. Humphries |

COUNT I
SALE OF MARIJUANA

IN THE NAME AND BEHALF OF THE CITIZENS OF THE STATE OF GEORGIA, charge and accuse **DENNIS RONALD MARX** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT (O.C.G.A. § 16-13-30)**, for that the said accused on the 1st day of August, 2011, in the County of Forsyth, did unlawfully sell Marijuana, not being the same Marijuana as alleged in any other count of this indictment, in violation of the Georgia Controlled Substances Act, contrary to the laws of this State, the good order, peace and dignity thereof

12CR-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX

Page Three of Seven

**COUNT II
SALE OF MARIJUANA**

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of the State of Georgia, further charge and accuse **DENNIS RONALD MARX** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT (O.C.G.A. § 16-13-30)**, for that the said accused on the 8th day of August, 2011, in the County of Forsyth, did unlawfully sell Marijuana, not being the same Marijuana as alleged in any other count of this indictment, in violation of the Georgia Controlled Substances Act, contrary to the laws of this State, the good order, peace and dignity thereof

**COUNT III
POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE**

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of the State of Georgia, further charge and accuse **DENNIS RONALD MARX** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT (O.C.G.A. § 16-13-30)**, for that the said accused on the 10th day of August, 2011, in the County of Forsyth, did knowingly possess with intent to distribute Marijuana, not being the same Marijuana as alleged in all other counts of this indictment, in violation of the Georgia Controlled Substances Act, contrary to the laws of this State, the good order, peace and dignity thereof.

**COUNT IV
POSSESSION OF A FIREARM DURING THE COMMISSION OF A FELONY**

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of the State of Georgia, further charge and accuse **DENNIS RONALD MARX** with the offense of **POSSESSION OF A FIREARM DURING THE COMMISSION OF A FELONY (O.C.G.A. § 16-11-106)**, for that the said accused on the 10th day of August, 2011, in the County of Forsyth, did have on his person a firearm, to wit: a Glock 26, 9mm handgun, during the commission of the crime of Possession of Marijuana with intent to distribute, Possession of Alprazolam with intent to distribute and Criminal Attempt to Manufacture Marijuana, O.C.G.A. § 16-13-30, contrary to the laws of this State, the good order, peace and dignity thereof.

12cr-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX

Page Four of Seven

**COUNT V
POSSESSION OF ALPRAZOLAM WITH INTENT TO DISTRIBUTE**

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of the State of Georgia, further charge and accuse **DENNIS RONALD MARX** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT (O.C.G.A. § 16-13-30)**, for that the said accused on the 10th day of December, 2011, in the County of Forsyth, did knowingly possess with intent to distribute Alprazolam, a Schedule IV controlled substance, in violation of the Georgia Controlled Substances Act, contrary to the laws of this State, the good order, peace and dignity thereof.

**COUNT VI
CRIMINAL ATTEMPT TO MANUFACTURE MARIJUANA**

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of the State of Georgia, further charge and accuse **DENNIS RONALD MARX** with the offense of **CRIMINAL ATTEMPT TO MANUFACTURE MARIJUANA (O.C.G.A. § 16-13-33)**, for that the said accused on the 10th day of December, 2011, in the County of Forsyth, did with intent to commit an offense defined in the Georgia Controlled Substances Act, to wit: Manufacture Marijuana, O.C.G.A. 16-13-30, perform an act, to wit: did possess all of the necessary machinery, devices, containers and chemicals to Manufacture Marijuana, and did set up said machinery, devices, containers and chemicals to begin Manufacturing Marijuana, said act constituting a substantial step toward the commission of said offense, contrary to the laws of this State, the good order, peace and dignity thereof.

PENNY A. PENN, District Attorney

12CR-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX**Page Five of Seven****WITNESS LIST****Officer Information:**

Name	Address	Phone
Inv. Thomas Little	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2200
Sgt. Mike McCarron	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Inv. Derek Bleisath	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Inv. Terry Hawkins	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Home: 770-781-2200
Inv. Scott Boggus	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2200
Capt. Mark Hoffman	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Lt. Mike Giordano	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Sgt. Richard Wiggins	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Sgt. Rob Heagerty	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Sgt. Bill Loring	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Sgt. Brendan Moore	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Sgt. Richard Thompson	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222

12CR-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX

Page Six of Seven

WITNESS LIST continued

Officer Information:

Name	Address	Phone
Cpl. David Marsh	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy John Whitworth	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy Noah Sprague	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy Josh Bell	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy Steven Maddox	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy Michael Young	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy Kevin Pittman	Forsyth County Sheriff's office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Capt. Nick Cardella	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Lori A. Stedman	Roswell Police Department - Evidence 39 Hill Street Roswell, GA 30076	Work: 770-781-2222
Jane Gilbertson	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Andy Kalin	Forsyth County District Attorney's Office 100 Courthouse Square, Suite 200 Cumming, GA 30040	Work: 770-781-2125

12cr-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX

Page Seven of Seven

WITNESS LIST continued

Witness Information

Name	Address	Phone
John Carter	1770 EAGLE CREEK TRAIL CUMMING, GA 30041	Home: 770-781-8513
Adam Rudolph	GBI-DOFS 77 Cobb Vantress Drive Cleveland, GA 30528	Work: 706-348-4873
Aletha Ellis-Barrett	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Jessica Neeley	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222

**OFFICE OF THE DISTRICT ATTORNEY
BELL-FORSYTH JUDICIAL CIRCUIT**

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE
APR 9 2012
H.A. OLL
CLERK SUPERIOR COURT

Re: State vs Dennis Ronald Marx

April 9, 2012

Warrant(s) No.: 2011-08-000054, 2011-08-000054A & 2011-08-000054B
Charge(s): Use of a communication facility during a VGCSA, Possession of Marijuana
more than one ounce, Possession of Lorazepam Mylan, Possession of
Lorazepam Watson, & Possession of Alprazolam Mylan

REQUEST FOR DISMISSAL

Comes now James Dunn and requests dismissal of the above Warrants only for the
following reason:

Defendant being indicted on related charges.

DISMISSAL

The within and foregoing having been reviewed, the matter is hereby DISMISSED without costs.

James Dunn by HNS
James A. Dunn
Assistant District Attorney
Bell-Forsyth Judicial Circuit

12CR - 0218
DIS
Dismissal
287706



CRIMINAL ARREST WARRANT

GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA

v.
Dennis Ronald Marx
Sex: Male DOB: 06/13/1965
Race: W SSN: Unknown
1405 Lakeside Trail
Cumming GA 30041

WARRANT NO.
CE108373
CASE NO.
201108000054

POSTED
AUG 1 2011

RECEIVED
AUG 1 2011

AFFIDAVIT

Personally appeared the undersigned prosecutor, Thomas Little who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 08/01/11 at 12:00 and 08/10/11 at 12:00, did commit the offense of **Use of a communications facility during a VGCSA** in violation of O.C.G.A. 16-13-33.3, at 1405 Lakeside Trail, Cumming, FORSYTH County, Georgia, and against the laws of the State of Georgia. The facts this affidavit for arrest is based on are: **Said accused did use a communications device to facilitate the commission of a VGCSA.** and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.
Sworn to and subscribed before me this 10 day of August, 2011 at
03:20:01 PM

Prosecutor
Badge No..2556 Agency: Forsyth Co. S.O.

Judge, Magistrate Court of FORSYTH County

STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Law Enforcement Officer, Coroner, Constable or Marshal of this State -- Greetings:
For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused Dennis Ronald Marx named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

This 10 day of August, 2011 at 03:20:01 PM

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 09 2012

CLERK SUPERIOR COURT

Judge, Magistrate Court of FORSYTH County

ORDER FOR BOND

IT IS HEREBY ORDERED that the aforesaid accused, Dennis Ronald Marx, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH County in the amount of \$SHERIFF'S SCHEDULE to assure the presence of said accused at arraignment, trial and final disposition in the Superior Court of FORSYTH County.
Witness my hand and seal, this 10 day of August, 2011 at 03:20:01 PM

Judge, Magistrate Court of FORSYTH County

<input checked="" type="checkbox"/> [Yes] FELONY	<input type="checkbox"/> [No] FAMILY VIOLENCE	PROBATION: No
<input type="checkbox"/> [No] MISDEMEANOR	<input type="checkbox"/> SPECIAL CONDITIONS OF BOND	PAROLE: No
<input type="checkbox"/> VOORT	<input type="checkbox"/> [No] IN CUSTODY	

Execute this 10th day of August 20 11 By S. J. Speers Signature:

[Handwritten signature]

[Handwritten mark]

AFFIDAVIT AND ORDER OF COMMITMENT WARRANTLESS ARREST

**GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA**

v.

Dennis Ronald Marx
1405 Lakeside Trail
Cumming GA 30041

WARRANT NO.

CASE NO.
201108000054A

AFFIDAVIT

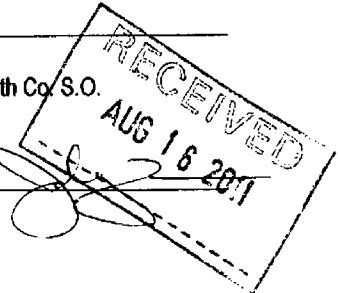
Personally appeared the undersigned prosecutor, Thomas Little who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 8/10/2011 at 19:30 and 8/10/2011 at 22:00, did commit the offense of **VGCSA Possession Marijuana more 1oz** in violation of O.C.G.A. **16-13-30(1)**, at 1405 Lakeside Trail, Cumming, FORSYTH County, Georgia, and against and the laws of the State of Georgia. The facts this affidavit for arrest is based on are: **said accused did possess Marijuana, in an amount greater than one ounce, in Violation of the Georgia Controlled Substances Act** and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.

Sworn to and subscribed before me this 12 day of Aug, 2011.

Judge, Magistrate Court of FORSYTH County

Prosecutor
Badge No. 2556 Agency: Forsyth Co. S.O.

DFC Caught 2497
Affiant
Badge No. Agency:



STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Law Enforcement Officer, Coroner, Constable or Marshal of this State -- Greetings:

For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused **Dennis Ronald Marx** named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

This 12 day of Aug, 2011, M

Judge, Magistrate Court of FORSYTH County

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 09 2012

H. R. All
CLERK SUPERIOR COURT

ORDER FOR BOND

IT IS HEREBY ORDERED that the aforesaid accused, Dennis Ronald Marx, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH County in the amount of _____ to assure the presence of said accused at arraignment, trial and final disposition in the Superior Court of FORSYTH County.

Witness my hand and seal, this 12 day of Aug, 2011, M

Judge, Magistrate Court of FORSYTH County

☒ [Yes] FELONY

☐ [No] MISDEMEANOR

☐ [] VOORT

☐ [No] FAMILY VIOLENCE

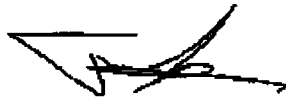
☐ [] SPECIAL CONDITIONS OF BOND

☐ [Yes] IN CUSTODY

PROBATION: No

PAROLE: No

Executed this 11 day of August, 2011 by Thomas Little Signature: _

A handwritten signature in black ink, appearing to be 'T. Little', written over a horizontal line.

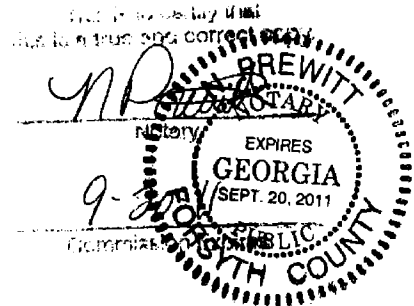
AFFIDAVIT AND ORDER OF COMMITMENT WARRANTLESS ARREST

GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA

v.
Dennis Ronald Marx
1405 Lakeside Trail
Cumming GA 30041

POSTED
PC

WARRANT NO.
CE108379
CASE NO.
201108000054B



AFFIDAVIT

Personally appeared the undersigned prosecutor, Thomas Little who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 08/10/11 at 20:00 and 08/10/11 at 23:00, did commit the offense of **VGCSA Intent to Distribute** in violation of O.C.G.A. 16-13-30(b), at 1405 Lakeside Trail, Cumming, FORSYTH County, Georgia, and against the laws of the State of Georgia. The facts this affidavit for arrest is based on are: **said accused did possess, with the intent to distribute, Lorazepam Mylan 457, a IV Controlled Substance, in Violation of the Georgia Controlled Substances Act** and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.

Sworn to and subscribed before me this 11 day of August, 2011 at
01:57:34 PM

TH Little

Thomas Little

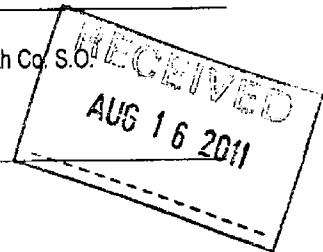
FORSYTH COUNTY GEORGIA
JUDGE, Magistrate Court of FORSYTH COUNTY
FILED IN THIS OFFICE

APR 09 2012

TH Little
CLERK SUPERIOR COURT

Prosecutor
Badge No. 2556 Agency: Forsyth Co. S.O.

Affiant
Badge No. Agency:



STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Law Enforcement Officer, Coroner, Constable or Marshal of this State -- Greetings:
For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused **Dennis Ronald Marx** named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

This 11 day of August, 2011 at 01:57:34 PM

Thomas Little

Judge, Magistrate Court of FORSYTH County

ORDER FOR BOND

IT IS HEREBY ORDERED that the aforesaid accused, Dennis Ronald Marx, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH County in the amount of \$**SUPERIOR COURT ONLY** to assure the presence of said accused at arraignment, trial and final disposition in the Superior Court of FORSYTH County.
Witness my hand and seal, this 11 day of August, 2011 at 01:57:34 PM

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 09 2012

TH Little
CLERK SUPERIOR COURT

Thomas Little

Judge, Magistrate Court of FORSYTH County

☒ [Yes] FELONY

☐ [No] FAMILY VIOLENCE

PROBATION: No

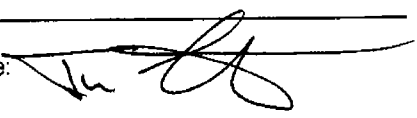
☐ [No] MISDEMEANOR

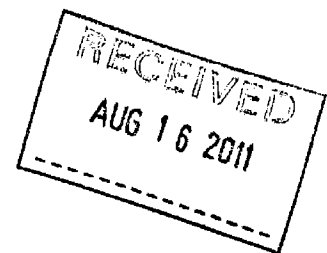
☐ SPECIAL CONDITIONS OF BOND

PAROLE: No

☐ VOORT

☒ [Yes] IN CUSTODY

Executed this 11 day of Aug 20 11 By T. Little Signature: 

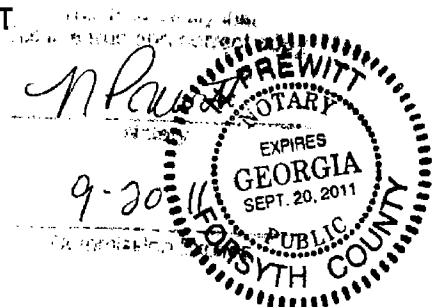


AFFIDAVIT AND ORDER OF COMMITMENT WARRANTLESS ARREST

GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA
v.
Dennis Ronald Marx
1405 Lakeside Trail
Cumming GA 30041

POSTED
[Signature]

WARRANT NO.
CE108378
CASE NO.
201108000054B



AFFIDAVIT

Personally appeared the undersigned prosecutor, Thomas Little who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 08/10/11 at 20:00 and 08/10/11 at 23:00, did commit the offense of **VGCSA Intent to Distribute** in violation of O.C.G.A. **16-13-30(b)**, at 1405 Lakeside Trail, Cumming, FORSYTH County, Georgia, and against the laws of the State of Georgia. The facts this affidavit for arrest is based on are: **said accused did possess, with the intent to distribute, Lorazepam WATSON 242/2, a IV Controlled Substance, in Violation of the Georgia Controlled Substances Act** and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.

Sworn to and subscribed before me this 11 day of August, 2011 at
01:57:34 PM

[Signature]

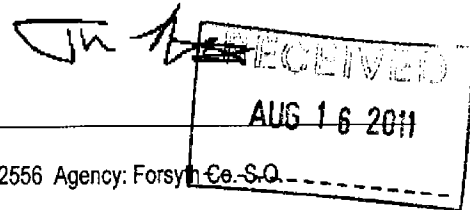
Judge, Magistrate Court of FORSYTH County

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 03 2012

[Signature]
CLERK SUPERIOR COURT

Prosecutor
Badge No. 2556 Agency: Forsyth Co.-S.O.



Affiant
Badge No: Agency:

STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Law Enforcement Officer, Coroner, Constable or Marshal of this State -- Greetings:
For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused **Dennis Ronald Marx** named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

This 11 day of August, 2011 at 01:57:34 PM

[Signature]

Judge, Magistrate Court of FORSYTH County

ORDER FOR BOND

IT IS HEREBY ORDERED that the aforesaid accused, Dennis Ronald Marx, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH County in the amount of \$**SUPERIOR COURT ONLY** to assure the presence of said accused at arraignment, trial and final disposition in the Superior Court of FORSYTH County.

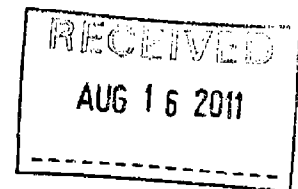
Witness my hand and seal, this 11 day of August, 2011 at 01:57:34 PM

[Signature]

Judge, Magistrate Court of FORSYTH County

<input checked="" type="checkbox"/> FELONY	<input type="checkbox"/> FAMILY VIOLENCE	PROBATION: No
<input type="checkbox"/> MISDEMEANOR	<input type="checkbox"/> SPECIAL CONDITIONS OF BOND	PAROLE: No
<input type="checkbox"/> VOORT	<input type="checkbox"/> IN CUSTODY	

Executed this 11 day of Aug 20 11, By J. Little Signature: JL



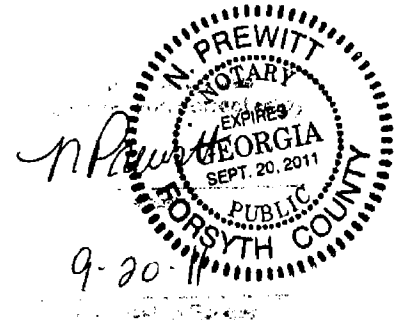
AFFIDAVIT AND ORDER OF COMMITMENT WARRANTLESS ARREST

GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA

v.
Dennis Ronald Marx
1405 Lakeside Trail
Cumming GA 30041

POSTED

WARRANT NO.
CE108377
CASE NO.
201108000054B



AFFIDAVIT

Personally appeared the undersigned prosecutor, Thomas Little who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 08/10/11 at 20:00 and 08/10/11 at 23:00, did commit the offense of **VGCSA Intent to Distribute** in violation of O.C.G.A. 16-13-30(b), at 1405 Lakeside Trail, Cumming, FORSYTH County, Georgia, and against the laws of the State of Georgia. The facts this affidavit for arrest is based on are: **said accused did possess, with the intent to distribute, Alprazolam MYLAN A1, a IV Controlled Substance, in Violation of the Georgia Controlled Substances Act** and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.

Sworn to and subscribed before me this 11 day of August, 2011 at
01:57:34 PM



Judge, Magistrate Court of FORSYTH County

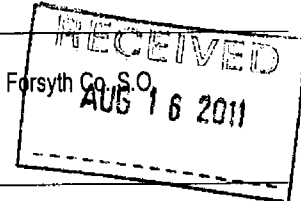
FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 03 2012


CLERK SUPERIOR COURT

STATE WARRANT FOR ARREST

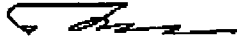
Prosecutor
Badge No..2556 Agency: Forsyth Co. S.O.



Affiant
Badge No: Agency:

To any Sheriff, Deputy Sheriff, Law Enforcement Officer, Coroner, Constable or Marshal of this State -- Greetings:
For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused **Dennis Ronald Marx** named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

This 11 day of August, 2011 at 01:57:34 PM

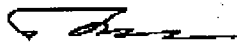


Judge, Magistrate Court of FORSYTH County

ORDER FOR BOND

IT IS HEREBY ORDERED that the aforesaid accused, Dennis Ronald Marx, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH County in the amount of \$SUPERIOR COURT ONLY to assure the presence of said accused at arraignment, trial and final disposition in the Superior Court of FORSYTH County.

Witness my hand and seal, this 11 day of August, 2011 at 01:57:34 PM



Judge, Magistrate Court of FORSYTH County

☒ FELONY

☐ MISDEMEANOR

☐ VOORT

☐ FAMILY VIOLENCE

☐ SPECIAL CONDITIONS OF BOND

☒ IN CUSTODY

PROBATION: No

PAROLE: No

Executed this

11

day of

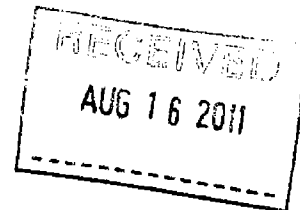
Aug 20 11

By

J. Little

Signature:

[Handwritten Signature]



CRIMINAL ARREST WARRANT

POSTED
8/16/11
62257

GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA

v.

Dennis Ronald Marx
Sex: Male DOB: 06/13/1965
Race: W SSN: Unknown
1405 Lakeside Trail
Cumming GA 30041

WARRANT NO.

CE108372

CASE NO.

201108000054

AFFIDAVIT

Personally appeared the undersigned prosecutor, Thomas Little who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 08/01/11 at 12:00 and 08/10/11 at 12:00, did commit the offense of **VGCSA Sale Marijuana** in violation of O.C.G.A. 16-13-30(1), at 1405 Lakeside Trail, Cumming, FORSYTH County, Georgia, and against and the laws of the State of Georgia. The facts this affidavit for arrest is based on are: **said accused did sell Marijuana, in Violation of the Georgia Controlled Substances Act** and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.
Sworn to and subscribed before me this 10 day of August, 2011 at
03:20:01 PM

Prosecutor

Badge No..2556 Agency: Forsyth Co. S.O.

Judge, Magistrate Court of FORSYTH County

STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Law Enforcement Officer, Coroner, Constable or Marshal of this State -- Greetings:

For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused **Dennis Ronald Marx** named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

This 10 day of August, 2011 at 03:20:01 PM

Judge, Magistrate Court of FORSYTH County

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 16 2011

CLERK SUPERIOR COURT

ORDER FOR BOND

IT IS HEREBY ORDERED that the aforesaid accused, Dennis Ronald Marx, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH County in the amount of \$SHERIFF'S SCHEDULE to assure the presence of said accused at arraignment, trial and final disposition in the Superior Court of FORSYTH County.

Witness my hand and seal, this 10 day of August, 2011 at 03:20:01 PM

Judge, Magistrate Court of FORSYTH County

☒ [Yes] FELONY

☐ [No] MISDEMEANOR

☐ [No] VOORT

☐ [No] FAMILY VIOLENCE

☐ [No] SPECIAL CONDITIONS OF BOND

☐ [No] IN CUSTODY

PROBATION: No

PAROLE: No

12CR - 0218
CAW
Criminal Arrest Warrant
287705



AFFIDAVIT AND ORDER OF COMMITMENT WARRANTLESS ARREST

**GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA**

v.
Dennis Ronald Marx
1405 Lakeside Trail
Cumming GA 30041

WARRANT NO.

CASE NO.
201108000054A

AFFIDAVIT

Personally appeared the undersigned prosecutor, Thomas Little who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 8/10/2011 at 19:30 and 8/10/2011 at 22:00, did commit the offense of **VGCSA Intent to Distribute** in violation of O.C.G.A. **16-13-30(b)**, at 1405 Lakeside Trail, Cumming, FORSYTH County, Georgia, and against and the laws of the State of Georgia. The facts this affidavit for arrest is based on are: **said accused did possess, with the intent to distribute, Marijuana, a Controlled Substance, in Violation of the Georgia Controlled Substances Act** and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.

Sworn to and subscribed before me this 12 day of Aug
20 11 M

Judge, Magistrate Court of FORSYTH County

Prosecutor
Badge No..2556 Agency: Forsyth Co. S.O.

Affiant
Badge No: Agency:

STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Law Enforcement Officer, Coroner, Constable or Marshal of this State – Greetings:

For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused **Dennis Ronald Marx** named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

This 12 day of Aug 20 11 M

Judge, Magistrate Court of FORSYTH County

FORSYTH COUNTY, GEORGIA
FILED IN THIS OFFICE

APR 09 2012

CLERK SUPERIOR COURT

ORDER FOR BOND

IT IS HEREBY ORDERED that the aforesaid accused, Dennis Ronald Marx, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH County in the amount of _____ to assure the presence of said accused at arraignment, trial and final disposition in the Superior Court of FORSYTH County.

Witness my hand and seal, this 12 day of Aug, 20 11 M

Judge, Magistrate Court of FORSYTH County

☒ [Yes] FELONY
☐ [No] MISDEMEANOR
☐ [] VOORT

☐ [No] FAMILY VIOLENCE
☐ [] SPECIAL CONDITIONS OF BOND
☐ [Yes] IN CUSTODY

PROBATION: No
PAROLE: No

Executed this 11 day of August, 2011 by Thomas Little Signature:

A handwritten signature in black ink, appearing to be 'Thomas Little', written over a horizontal line.

AFFIDAVIT AND ORDER OF COMMITMENT WARRANTLESS ARREST

**GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA**

v.

Dennis Ronald Marx
1405 Lakeside Trail
Cumming GA 30041

WARRANT NO.

CASE NO.
201108000054A

AFFIDAVIT

Personally appeared the undersigned prosecutor, Thomas Little who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 8/10/2011 at 19:30 and 8/10/2011 at 22:00, did commit the offense of **Possession Gun Vgcsa** in violation of O.C.G.A. **16-11-106**, at 1405 Lakeside Trail, Cumming, FORSYTH County, Georgia, and against the laws of the State of Georgia. The facts this affidavit for arrest is based on are: **said accused did have on asex person a firearm: Glock 26 9mm pistol, during the commission of a Violation of the Georgia Controlled Substances Act, O.C.G.A. §16-13-31** and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.

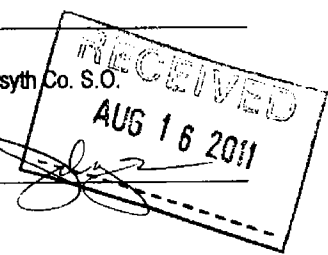
Sworn to and subscribed before me this 12 day of Aug, 2011.

[Signature]
Judge, Magistrate Court of FORSYTH County

[Signature]
Prosecutor
Badge No. 2556 Agency: Forsyth Co. S.O.

DEC Janga 2412
Affiant

Badge No. Agency:



STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Law Enforcement Officer, Coroner, Constable or Marshal of this State – Greetings:

For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused **Dennis Ronald Marx** named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

This 12 day of Aug, 2011, M

[Signature]
Judge, Magistrate Court of FORSYTH County

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 09 2012

[Signature]
CLERK SUPERIOR COURT

ORDER FOR BOND

IT IS HEREBY ORDERED that the aforesaid accused, Dennis Ronald Marx, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH County in the amount of _____ to assure the presence of said accused at arraignment, trial and final disposition in the Superior Court of FORSYTH County.

Witness my hand and seal, this 12 day of Aug, 2011, M

[Signature]
Judge, Magistrate Court of FORSYTH County

☒ [Yes] FELONY

☐ [No] MISDEMEANOR

☐ [] VOORT

☐ [No] FAMILY VIOLENCE

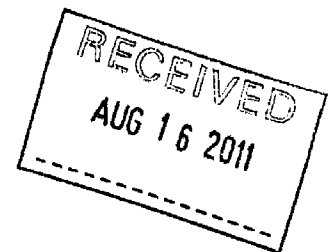
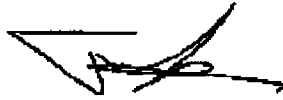
☐ [] SPECIAL CONDITIONS OF BOND

☐ [Yes] IN CUSTODY

PROBATION: No

PAROLE: No

Executed this 11 day of August, 2011 by Thomas Little Signature: _



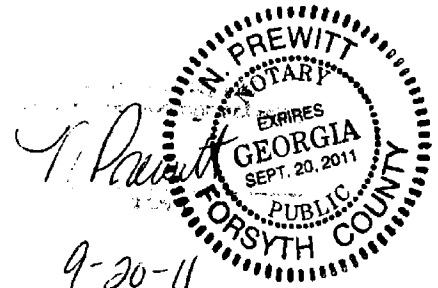
AFFIDAVIT AND ORDER OF COMMITMENT WARRANTLESS ARREST

GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA

v.
Dennis Ronald Marx
1405 Lakeside Trail
Cumming GA 30041

POSTED
9-20-11

WARRANT NO.
CE108376
CASE NO.
201108000054B



AFFIDAVIT

Personally appeared the undersigned prosecutor, Thomas Little who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 08/10/11 at 20:00 and 08/10/11 at 23:00, did commit the offense of **VGCSA Intent to Distribute** in violation of O.C.G.A. 16-13-30(b), at 1405 Lakeside Trail, Cumming, FORSYTH County, Georgia, and against the laws of the State of Georgia. The facts this affidavit for arrest is based on are: **said accused did possess, with the intent to distribute, Alprazolam GG258, a IV Controlled Substance, in Violation of the Georgia Controlled Substances Act** and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.

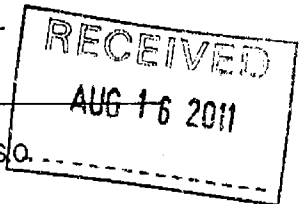
Sworn to and subscribed before me this 11 day of August, 2011 at
01:57:34 PM

[Signature]

Judge, Magistrate Court of FORSYTH County

Prosecutor
Badge No. 2556 Agency: Forsyth Co. S.O.

[Signature]



Affiant
Badge No: Agency:

STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Law Enforcement Officer, Coroner, Constable or Marshal of this State -- Greetings:
For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused Dennis Ronald Marx named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

This 11 day of August, 2011 at 01:57:34 PM

[Signature]

Judge, Magistrate Court of FORSYTH County

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 03 2012

ORDER FOR BOND

[Signature]
CLERK SUPERIOR COURT

IT IS HEREBY ORDERED that the aforesaid accused, Dennis Ronald Marx, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH County in the amount of \$SUPERIOR COURT ONLY to assure the presence of said accused at arraignment, trial and final disposition in the Superior Court of FORSYTH County.

Witness my hand and seal, this 11 day of August, 2011 at 01:57:34 PM

[Signature]

Judge, Magistrate Court of FORSYTH County

☒ [Yes] FELONY

☐ [No] MISDEMEANOR

☐ VOORT

☐ [No] FAMILY VIOLENCE

☐ SPECIAL CONDITIONS OF BOND

☒ [Yes] IN CUSTODY

PROBATION: No

PAROLE: No

Executed this

11

, day of

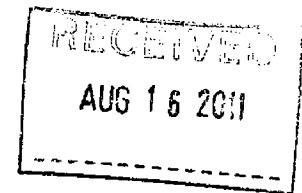
Aug 20 11

By

J. Little

Signature:

[Signature]



AFFIDAVIT AND ORDER OF COMMITMENT WARRANTLESS ARREST

**GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA**

v.

Dennis Ronald Marx
1405 Lakeside Trail
Cumming GA 30041

WARRANT NO.

CASE NO.
201108000054A

AFFIDAVIT

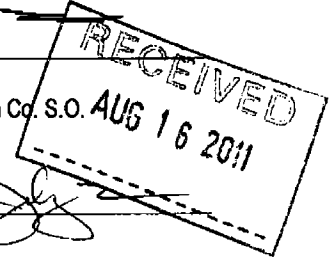
Personally appeared the undersigned prosecutor, Thomas Little who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 8/10/2011 at 19:30 and 8/10/2011 at 22:00, did commit the offense of **Criminal Attempt to Manufacture Marijuana** in violation of O.C.G.A. 16-13-30, at 1405 Lakeside Trail, Cumming, FORSYTH County, Georgia, and against the laws of the State of Georgia. The facts this affidavit for arrest is based on are: **Said accused did attempt to manufacture marijuana by constructing a special grow room in his home and outfitted it with special grow lights, hydroponic seed beds, irrigation systems, advanced ventilation systems, an extensive selection of fertilizers and a wide variety of marijuana seed types.** and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.

Sworn to and subscribed before me this 12 day of Aug, 2011.

[Signature]
Judge, Magistrate Court of FORSYTH County

Prosecutor
Badge No. 2556 Agency: Forsyth Co. S.O.

DFC Janga 2011
Affiant
Badge No. Agency:



STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Law Enforcement Officer, Coroner, Constable or Marshal of this State – Greetings:

For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused **Dennis Ronald Marx** named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

This 12 day of Aug, 2011, M

[Signature]
Judge, Magistrate Court of FORSYTH County

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 09 2012

[Signature]
CLERK SUPERIOR COURT

ORDER FOR BOND

IT IS HEREBY ORDERED that the aforesaid accused, Dennis Ronald Marx, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH County in the amount of _____ to assure the presence of said accused at arraignment, trial and final disposition in the Superior Court of FORSYTH County.

Witness my hand and seal, this 12 day of Aug, 2011, M

[Signature]
Judge, Magistrate Court of FORSYTH County

[Yes] FELONY

[No] FAMILY VIOLENCE

PROBATION: No

[No] MISDEMEANOR

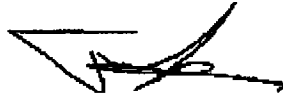
[] SPECIAL CONDITIONS OF BOND

PAROLE: No

☐ VOORT

☐ IN CUSTODY

Executed this 11 day of August, 2011 by Thomas Little Signature: _



OTDA 8.15.

APPEARANCE BOND AND NOTICE OF ARRAIGNMENT
FORSYTH COUNTY, GEORGIA

☐ CASH BOND
☒ BONDING COMPANY
☐ PROPERTY BOND
☐ OUT OF COUNTY PROPERTY BOND
 FOR _____ COUNTY, GA

SO B66189 SUPERIOR COURT ☒
 CASE # DA-11-470 20110900054 STATE COURT ☐
 TIME IN 081011@2000 MAGISTRATE COURT ☐
 TIME OUT 08291@1015

THAT WE, THE UNDERSIGNED Dennis Marx Jaulbustees PRINCIPAL
 AND SECURITIES ARE HELD AND FIRMLY BOUND TO HIS EXCELLENCY, THE GOVERNOR OF SAID STATE, AND HIS
 SUCCESSOR IN OFFICE, IN THE PENAL SOME OF \$ 33000 OR THE TRUE PAYMENT WHEREOF WE BIND
 OURSELVES, OUR HEIRS AND EXECUTORS, AND ADMINISTRATORS, JOINTLY AND SEVERALLY BY THESE PRESENTS.
 SIGNED WITH OUR HANDS, SEALED WITH OUR SEALS AND DATED THIS 29 DAY OF Aug, 20 11.
 THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, THAT THE ABOVE BOUND PRINCIPAL SHALL BE AND
 APPEAR AT THE NEXT COURT OF SAID COUNTY, TO BE HELD ON THE 29 DAY OF Sept, 20 11.
 FROM DAY TO DAY, FROM TERM TO TERM, THEN AND THERE ANSWER TO AN ACCUSATION INDICTMENT OF THE
 OFFENSE(S) OF: Use of Communication Device
Poss of Marijuana 102, Poss w/intent to dist Alprazolam (2cts)
Poss of Lorazepam w/intent to dist (2cts), sale of Marijuana,
Manufacture Marijuana, Poss of Firearm During Felony, Poss w/intent Marijuana
 AND SHALL NOT DEPART THENCE, WITHOUT LEAVE OF SAID COURT, THEN THE ABOVE OBLIGATION TO BE NULL AND
 VOID, ELSE REMAIN IN FULL FORCE AND EFFECT. AND THE BETTER TO SECURE THE PAYMENT OF THIS BOND IN
 EVENT OF FORFEITURE, WE EACH FOR OURSELVES AND FAMILIES, AND HEAD OF OUR RESPECTIVE FAMILIES,
 RENOUNCE AND WAIVE ALL RIGHT AND BENEFIT OF HOMESTEAD AND EXEMPTION LAWS OF SAID STATE, WHETHER
 THE SAME BE GRANTED BY CONSTITUTION OF LEGISLATIVE PROVISIONS PROVIDING FOR HOMESTEAD AND EXEMPTIONS
 TO THE PEOPLE OF GEORGIA AND EACH OF US ASSERT AND SAY THAT WE HAVE NEVER TAKEN OR AVAILED OUR-
 SELVES OF ANY HOMESTEAD OF EXEMPTION UNDER THE LAWS OF THE STATE, OR UNITED STATES, OR ELSEWHERE.

[Signature] [Signature]
 Principal / Deputy
 Defendant Sheriff

FORSYTH COUNTY GEORGIA
 FILED IN THIS OFFICE
 APR 09 2012
 YOU MUST APPEAR BEFORE SAID COURT JUDGE TO ANSWER THESE CHARGES.

Principal / Deputy
 Defendant Sheriff

☐ THE CASH BOND POSTED IS A NOT CONTEST CASH BOND. IF YOU GIVE A NO
 CONTEST CASH BOND AND FAIL TO APPEAR FOR TRIAL, THIS BOND MAY BE
 FORFEITED AND IF SO FORFEITED, SHALL CONSTITUTE A MISDEMEANOR
 GUILTY PLEA AND A WAIVER OF CONSTITUTIONAL RIGHTS

PRINCIPAL [Signature]
 ADDRESS 1405 Lakeside Trail
 CITY/STATE Cumming, GA 30080
 PHONE # 770-490-4959

SECURITY Jaulbustees
 ADDRESS P.O. BOX 3450
 CITY/STATE Cumming, GA 30028
 PHONE # 770-888-0837

The defendant was advised of the foregoing notice of arraignment and bond on the principal named therein in person at the time the principal affixed his/her signature thereto.

Ted Paxton
 SHERIFF, FORSYTH COUNTY, GEORGIA

[Signature]
 DEPUTY SHERIFF, FORSYTH COUNTY, GEORGIA

NOTICE OF ARRAIGNMENT

You are hereby notified that your case will be called for arraignment in said Court at 0900 am/pm, 29 day
 of Sept, of 20 11. YOU ARE REQUIRED TO BE PRESENT AT THE TIME.

[Signature]
 CLERK OF COURT, FORSYTH COUNTY, GEORGIA

12CR-0218
 BS
 Bond Sheet
 287700



THE FACE OF THIS DOCUMENT HAS A BLUE SECURITY BACKGROUND AND MICRO PRINTING. THE REVERSE SIDE OF THIS DOCUMENT HAS A WATERMARK. THIS DOCUMENT IS VOID IF THE PINK HEAT SENSITIVE INK BOX IN THE LOWER RIGHT HAND CORNER DOES NOT DISAPPEAR WHEN RUBBED WITH WARM HANDS.

POWER AMOUNT \$50,000

POWER OF ATTORNEY
American Surety Company

AS50 155749

P.O. Box 68932, Indianapolis, IN 46268

KNOW ALL MEN BY THESE PRESENTS: that AMERICAN SURETY COMPANY, a corporation duly authorized and existing under the laws of the State of Indiana, does constitute and appoint the below named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, and deliver for and on its behalf, as surety, a bail bond only.

Authority of such Attorney-in-Fact is limited to appearance bonds. No authority is provided herein for the execution of surety immigration bonds or to guarantee alimony payments, fines, wage law claims or other payments of any kind on behalf of below named defendant. The named agent is appointed only to execute the bond consistent with the terms of this power of attorney. The agent is not authorized to act as agent for receipt of service of process in any criminal or civil action.

This power is void if altered or erased or used in any combination with other powers of attorney of this company or any other company to obtain the release of the defendant named below or to satisfy any bond requirement in excess of the stated face amount of this power. This power can only be used once. The obligation of the company shall not exceed the sum of

FIFTY THOUSAND (\$50,000.00) DOLLARS

and provided this Power-Of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-In-Fact is hereby authorized to insert in this Power-Of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, AMERICAN SURETY COMPANY has caused these presents to be signed by its duly authorized officer, proper for the purpose and its corporate seal to be hereunto affixed this 29 day of August, 2011.

Bond Amount \$ 33,000 Appearance Date 9-29-11 8:30am

Defendant Dennis Miley

Court Superior Case # 11-00000000

County Forsyth City Cummins State GA Zip 30040

Offense 10 Charges

Executing Agent James Smith MP

AMERICAN SURETY COMPANY



William B. Cunningham

President

ASC-9F

IN THE MAGISTRATE COURT OF FORSYTH COUNTY
STATE OF GEORGIA

FIRST APPEARANCE HEARING ORDER

vs.
Dennis Ronald Marx
Defendant

Warrant No(s):	F/M	Offense(s)
CE108411	F	VGCSA Possession Marijuana more 1oz
CE108412	F	VGCSA Intent to Distribute
CE108413	F	Criminal Attempt to Manufacture Marijuana
CE108414	F	Possession Gun Vgcsa

Commitment Hearing:

Time: 09/13/2011 1:30 PM Tuesday

Counsel: JEFF WILLIAMS

Phone Number: _____
Appointed [] Retained [X]

Witness (es): _____

Co-defendant(s): _____

Counsel for Co-defendants: _____

Interpreter needed for: (specify language, hearing impaired, etc.)

RECEIVED

AUG 16 2011

☒ The Clerk of Court shall give NOTICE TO SUPERIOR COURT OF DEFENDANT HELD WITHOUT BAIL by forwarding a certified copy of this Notice.Reason bondable by Superior Court: ☒ 17-10-1 offense and probation/parole ☐ 17-6-1(a)(1)-(9) designated offense;☐ 17-6-1(a)(10) prior conviction/bond for _____

Incident reports - Criminal history:

☐ Attached ☐ Not available. District Attorney's office is hereby requested to supplement under OCGA 17-6-19(c)(3).

Bail Hearing Deadline (not more than 30 days from receipt of notice): SEE RELATED CASE NOS. 201108000054&B

I. BOND

The Defendant having been brought before this Court for the purpose of (First Appearance Hearing) (Bond Review) (Appointment of Counsel) and the Court finding that the Defendant is presently in the custody of the FORSYTH County Sheriff's Office, and has not posted, or is ineligible at this time to post, a bond for his/her release, and the Court having reviewed the record, IT IS HEREBY ORDERED AND ADJUDGED THAT,

☐ Defendant's bond heretofore set at \$ _____ for the above offense(s) be (reduced) (set) (modified) (increased) to \$ _____ to be made with sufficient surety as approved by the Sheriff of FORSYTH County, to assure the Defendant's presence at trial in the ☐ State ☐ Superior Court of FORSYTH County.

☐ Said bond is subject to Special Conditions of Bond set forth on Exhibit A, attached and incorporated herein.

☐ As a condition of bond, the Defendant shall notify the District Attorney (if charged with a felony) or the Solicitor (if charged with only misdemeanor(s)), of any change in the Defendant's mailing address and/or place of residence. Notification must be made in writing within five (5) days of any such change to the following address: District Attorney (770) 781-2125 (or) Solicitor (770) 781-2145, 100 Courthouse Square, Cumming, GA. This notification shall include a home and work telephone number.

☐ Defendant shall be eligible to sign bond on his/her own recognizance. ☐ Judge's initials to confirm. ☐ Defendants bond be set at \$ _____, cash only.

Bond Notes: _____

II. APPOINTMENT OF COUNSEL

The Court has reviewed the Defendant's eligibility for appointed counsel and finds as follows:

☐ Defendant has the present financial capacity to employ an attorney and is not eligible for an appointed attorney.

☐ Defendant has employed an attorney as set forth above.

☐ **APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANT:** The Defendant is financially unable to employ an attorney and does not waive an attorney. The Court appoints the attorney designated above to represent the Defendant. The appointment shall remain in effect through all courts in this circuit until the case is completed. If an attorney is appointed, Defendant retains counsel, or further court order. Appointed counsel shall immediately contact Defendant. This order is subject to modification and repayment criteria.

III. COMMITMENT HEARING

The Defendant having been arrested and incarcerated for the offense(s) set forth above, and the Defendant being entitled to a commitment hearing, unless the Defendant posts bond, IT IS HEREBY ORDERED that the Defendant be brought before this Court at the time and date set forth above for a commitment hearing on the above listed offense(s).

SO ORDERED, this 12 day of Aug, 2011 at _____ m

Magistrate, FORSYTH County, Georgia

WAIVER OF APPOINTED COUNSEL

I understand that under the Constitutions and laws of the United States and the State of Georgia, that if I am indigent that I am entitled to, and will be appointed an attorney free of charge, if I am financially unable to hire an attorney without causing substantial hardship to myself or my family. I understand that this Court will not conduct a commitment hearing in this case until an attorney is appointed provided I qualify for indigent representation. With full knowledge of these rights, and having been advised by the Court to have an attorney assist me, I hereby voluntarily waive counsel at my commitment hearing. I also understand that my waiver of an appointed attorney at this time does not prevent me from asking for an attorney in this Court or other future court proceedings. I have been so informed by the Court and my waiver is made freely and voluntarily.

this _____ day of _____, 20____ at _____ m

Defendant

12CR - 0218
FAHO
First Appearance Hearing Order
287704

IN THE MAGISTRATE COURT OF FORSYTH COUNTY
STATE OF GEORGIA

FIRST APPEARANCE HEARING ORDER

vs.
Dennis Ronald Marx
Defendant

Warrant No(s):	F/M	Offense(s)
CE108376	F	VGCSA Intent to Distribute
CE108377	F	VGCSA Intent to Distribute
CE108378	F	VGCSA Intent to Distribute
CE108379	F	VGCSA Intent to Distribute

Commitment Hearing:

Time: 09/13/2011 1:30 PM Tuesday

Counsel: JEFF WILLIAMS

Phone Number: _____
Appointed [] Retained [X]

Witness (es): _____

Co-defendant(s): _____

Counsel for Co-defendants: _____

Interpreter needed for: (specify language, hearing impaired, etc.)

RECEIVED
AUG 16 2011

[X] The Clerk of Court shall give NOTICE TO SUPERIOR COURT OF DEFENDANT HELD WITHOUT BAIL by forwarding a certified copy of this Notice.

Reason bondable by Superior Court: [] 17-10-1 offense and probation/parole

[X] 17-6-1(a)(1)-(9) designated offense:

[] 17-6-1(a)(10) prior conviction/bond for _____

Incident reports - Criminal history:

[] Attached [] Not available. District Attorney's office is hereby requested to supplement under OCGA 17-6-19(c)(3).

Bail Hearing Deadline (not more than 30 days from receipt of notice): SEE RELATED CASE NOS. 201108000054&A

I. BOND

The Defendant having been brought before this Court for the purpose of (First Appearance Hearing) (Bond Review) (Appointment of Counsel) and the Court finding that the Defendant is presently in the custody of the FORSYTH County Sheriff's Office, and has not posted, or is ineligible at this time to post, a bond for his/her release, and the Court having reviewed the record, IT IS HEREBY ORDERED AND ADJUDGED THAT,

[] Defendant's bond heretofore set at \$ _____ for the above offense(s) be (reduced) (set) (modified) (increased) to \$ _____ to be made with sufficient surety as approved by the Sheriff of FORSYTH County, to assure the Defendant's presence at trial in the [] State [] Superior Court of FORSYTH County.

[] Said bond is subject to Special Conditions of Bond set forth on Exhibit A, attached and incorporated herein.

[] As a condition of bond, the Defendant shall notify the District Attorney (if charged with a felony) or the Solicitor (if charged with only misdemeanor(s)), of any change in the Defendant's mailing address and/or place of residence. Notification must be made in writing within five (5) days of any such change to the following address: District Attorney (770) 781-2125 (or) Solicitor (770) 781-2145, 100 Courthouse Square, Cumming, GA. This notification shall include a home and work telephone number.

[] Defendant shall be eligible to sign bond on his/her own recognizance. [] Judge's initials to confirm. [] Defendants bond be set at \$ _____, cash only.

Bond Notes: _____

II. APPOINTMENT OF COUNSEL

The Court has reviewed the Defendant's eligibility for appointed counsel and finds as follows:

[] Defendant has the present financial capacity to employ an attorney and is not eligible for an appointed attorney.

[] Defendant has employed an attorney as set forth above.

[] **APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANT:** The Defendant is financially unable to employ an attorney and does not waive an attorney. The Court appoints the attorney designated above to represent the Defendant. The appointment shall remain in effect through all courts in this circuit until the case is completed, and the attorney appointed, Defendant retains counsel, or further court order. Appointed counsel shall immediately contact Defendant. This order is subject to modification and repayment of costs.

III. COMMITMENT HEARING

The Defendant having been arrested and incarcerated for the offense(s) set forth above, and the Defendant being entitled to a commitment hearing, unless the Defendant posts bond, IT IS HEREBY ORDERED that the Defendant be brought before this Court at the time and date set forth above for a commitment hearing on the above listed offense(s).

SO ORDERED, this 14 day of August, 2011 at 01:57:34 PM

12 August 2011

Magistrate, FORSYTH County, Georgia

WAIVER OF APPOINTED COUNSEL

I understand that under the Constitutions and laws of the United States and the State of Georgia, that if I am indigent that I am entitled to, and will be appointed an attorney free of charge, if I am financially unable to hire an attorney without causing substantial hardship to myself or my family. I understand that this Court will not conduct a commitment hearing in this case until an attorney is appointed provided I qualify for indigent representation. With full knowledge of these rights, and having been advised by the Court to have an attorney assist me, I hereby voluntarily waive counsel at my commitment hearing. I also understand that my waiver of an appointed attorney at this time does not prevent me from asking for an attorney in this Court or other future court proceedings. I have been so informed by the Court and my waiver is made freely and voluntarily.

this _____ day of _____, 20____ at _____ m

Defendant

IN THE MAGISTRATE COURT OF FORSYTH COUNTY
STATE OF GEORGIA

FIRST APPEARANCE HEARING ORDER

vs.
Dennis Ronald Marx
Defendant

Commitment Hearing:

Time: 09/13/2011 1:30 PM Tuesday

Warrant No(s):	F/M	Offense(s)
CE108372	F	VGCSA Sale Marijuana
CE108373	F	Use of a communications facility during a VGCSA

Counsel: JEFF WILLIAMS

Phone Number: _____
Appointed [] Retained [X]

Witness (es): _____

Co-defendant(s): _____

Counsel for Co-defendants: _____

Interpreter needed for: (specify language, hearing impaired, etc.) _____

☒ The Clerk of Court shall give NOTICE TO SUPERIOR COURT OF DEFENDANT HELD WITHOUT BAIL by forwarding a certified copy of this Notice.Reason bondable by Superior Court: ☐ 17-10-1 offense and probation/parole☐ 17-6-1(a)(1)-(9) designated offense;☐ 17-6-1(a)(10) prior conviction/bond for _____

Incident reports - Criminal history:

☐ Attached ☐ Not available. District Attorney's office is hereby requested to supplement under OCGA 17-6-19(c)(3).

Bail Hearing Deadline (not more than 30 days from receipt of notice): SEE RELATED CASE NOS. 201108000054A&B

RECEIVED

AUG 16 2011

I. BOND

The Defendant having been brought before this Court for the purpose of (First Appearance Hearing) (Bond Review) (Appointment of Counsel) and the Court finding that the Defendant is presently in the custody of the FORSYTH County Sheriff's Office, and has not posted, or is ineligible at this time to post, a bond for his/her release, and the Court having reviewed the record, IT IS HEREBY ORDERED AND ADJUDGED THAT,

☐ Defendant's bond heretofore set at \$ _____ for the above offense(s) be (reduced) (set) (modified) (increased) to \$ _____ to be made with sufficient surety as approved by the Sheriff of FORSYTH County, to assure the Defendant's presence at trial in the ☐ State ☐ Superior Court of FORSYTH County.

☐ Said bond is subject to Special Conditions of Bond set forth on Exhibit A, attached and incorporated herein.

☐ As a condition of bond, the Defendant shall notify the District Attorney (if charged with a felony) or the Solicitor (if charged with only misdemeanor(s)), of any change in the Defendant's mailing address and/or place of residence. Notification must be made in writing within five (5) days of any such change to the following address: District Attorney (770) 781-2125 (or) Solicitor (770) 781-2145, 100 Courthouse Square, Cumming, GA. This notification shall include a home and work telephone number.

☐ Defendant shall be eligible to sign bond on his/her own recognizance. ☐ Judge's initials to confirm. ☐ Defendants bond be set at \$ _____ cash only.

Bond Notes: _____

II. APPOINTMENT OF COUNSEL

The Court has reviewed the Defendant's eligibility for appointed counsel and finds as follows:

☐ Defendant has the present financial capacity to employ an attorney and is not eligible for an appointed attorney.

☐ Defendant has employed an attorney as set forth above.

☐ **APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANT:** The Defendant is financially unable to employ an attorney and does not waive an attorney. The Court appoints the attorney designated above to represent the Defendant. The appointment shall remain in effect through all courts in this circuit until the case is completed, and if an attorney appointed, Defendant retains counsel, or further court order. Appointed counsel shall immediately contact Defendant. This order is subject to modification and repayment criteria.

III. COMMITMENT HEARING

The Defendant having been arrested and incarcerated for the offense(s) set forth above, and the Defendant being entitled to a commitment hearing, unless the Defendant posts bond, IT IS HEREBY ORDERED that the Defendant be brought before this Court at the time and date set forth above for a commitment hearing on the above listed offense(s).

SO ORDERED, this 10 day of August, 2011 at 02:20:04 PM.

12 August 2011

Magistrate, FORSYTH County, Georgia

WAIVER OF APPOINTED COUNSEL

I understand that under the Constitutions and laws of the United States and the State of Georgia, that if I am indigent that I am entitled to, and will be appointed an attorney free of charge, if I am financially unable to hire an attorney without causing substantial hardship to myself or my family. I understand that this Court will not conduct a commitment hearing in this case until an attorney is appointed provided I qualify for indigent representation. With full knowledge of these rights, and having been advised by the Court to have an attorney assist me, I hereby voluntarily waive counsel at my commitment hearing. I also understand that my waiver of an appointed attorney at this time does not prevent me from asking for an attorney in this Court or other future court proceedings. I have been so informed by the Court and my waiver is made freely and voluntarily.

this _____ day of _____, 20____ at _____ m

Defendant



FORSYTH COUNTY SHERIFF'S OFFICE MAGISTRATE

DA-11-470

INMATE NAME: MARX, DENNISSO #: 66189JAIL ID: 66189

RECEIVED

AUG 16 2011

THIS FILE HAS BEEN MAGISTRATED ON (DATE): 08/10/11BY DEPUTY SHERIFF: RACHEL BLACKWELL

MAGISTRATED ON THE FOLLOWING CHARGES:

C1: <u>POSS W/INTENT</u>	WARRANT #:	<u>CE108376</u>
C2: <u>COMM FACILITY</u>	WARRANT #:	<u>CE108373</u>
C3: <u>POSS OF MJ</u>	WARRANT #:	<u>CE108411</u>
C4: <u>POSS W/INTENT</u>	WARRANT #:	<u>CE108377</u>
C5: <u>SALE OF MJ</u>	WARRANT #:	<u>CE108372</u>
C6: <u>VGCSA W/INTENT</u>	WARRANT #:	<u>CE108412</u>
C7: <u>POSS W/INTENT</u>	WARRANT #:	<u>CE108378</u>
C8: <u>POSS OF FIREARM</u>	WARRANT #:	<u>CE108414</u>
C9: <u>MANUFAC MJ</u>	WARRANT #:	<u>CE108413</u>
C10: <u>POSS W/INTENT</u>	WARRANT #:	<u>CE108379</u>
C11: _____	WARRANT #:	_____
C12: _____	WARRANT #:	_____
C13: _____	WARRANT #:	_____
C14: _____	WARRANT #:	_____
C15: _____	WARRANT #:	_____

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 09 2012

A. A. Galt
CLERK SUPERIOR COURT

TOTAL BOND AMOUNT \$: \$0.00- NO BONDSPECIAL CONDITIONS: NO

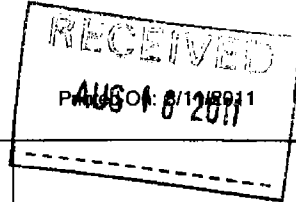
HOLDS: _____

SEEN BY JUDGE: BAUER

11-470

FORSYTH
Booking Sheet

Page: 1



Booking Number B00066189		Arrest Agency FORSYTH COUNTY		Local ID HH-08178		SID UNK		Offender Tracking # UNK	
Name MARX, DENNIS, RONALD				Sex M		Race W		Date of Birth 06/13/1965	
Height 600	Weight 145	Eyes HAZ	Hair BLN	Complexion W		Build M			
SSN 399-78-9100		Driver's License 040992118		State GA	Home Phone (770) 490-4959		Work Phone		Marital Status SINGL
Address 1405 LAKESIDE TRAIL				City CUMMING		State GA		Zip 30041	
Place of Birth WI			Resident Status RES						
Information Given at time of Booking									
Name MARX, DENNIS, RONALD			DOB 06/13/1965		SSN 399-78-9100		Address 1405 LAKESIDE TRAIL CUMMING, GA 30041		
Arresting Officer LITTLE III, THOMAS # 2556			Arrest Date/Time 8/10/2011 20:00			Arrest Location 1405 LAKESIDE TRAIL CUMMING, GA 30041			
Booking Officer FORNEY, BENJAMIN # 2720			Booking Date/Time 8/10/2011 23:30			Booking Status			
Received By Officer FORNEY, BENJAMIN # 2720			Custodial Search By FORNEY, BENJAMIN # 2720			<p style="text-align: center;">FORSYTH COUNTY GEORGIA FILED IN THIS OFFICE APR 06 2012 <i>[Signature]</i> CLERK SUPERIOR COURT</p>			

Charges

Charge Literal	Incident Number	Charge Type	Fine	Bail	Disposition
POSSESSION OF MARIJUANA MORE THAN ONE POUND				\$0.00	
<u>Statute Description</u>		<u>Charge Description</u>			
		MARIJUANA-POSSESSION OF			
Charge Literal	Incident Number	Charge Type	Fine	Bail	Disposition
SALE OF MARIJUANA				\$0.00	
<u>Statute Description</u>		<u>Charge Description</u>			
		MARIJUANA - SALES OF			
Charge Literal	Incident Number	Charge Type	Fine	Bail	Disposition
MANUFACTURE OF MARIJUANA				\$0.00	
<u>Statute Description</u>		<u>Charge Description</u>			
		MARIJUANA - MANUFACTURING			

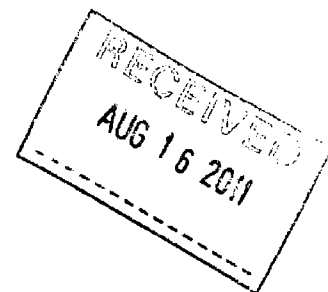
12CR-0218
BKS
Booking Sheet
287702



Message received at: 08/11/2011 06:20:21

Return-Path: <tnetssystem@tnet02.gbitnet.local>
Received: from tnet03.GBITNET.local ([192.168.10.3])
by tnet02.GBITNET.local (8.12.11.20060308/8.12.11) with SMTP id p7B9KTIZ031883
for <ls030@tnet02.GBITNET.local>; Thu, 11 Aug 2011 05:20:29 -0400
Received: from TNET03 ([127.0.0.1])
by tnet03.GBITNET.local
with hMailServer ; Thu, 11 Aug 2011 06:23:09 -0400
Message-ID: <70E806CB-0B60-45D1-B388-B02933A52012@tnet03.GBITNET.local>
Date: Thu, 11 Aug 2011 06:23:09 -0400
From: tnetssystem@tnet02.gbitnet.local
Subject: mid TCN: 0300065127 - GBI Identification Response
To: ls030@tnet02.gbitnet.local
Status:

TYPE:mid
LSTCN:0300065127
GBITCN:12230336039994
DATE/TIME:2011/08/11 06:23:09
NAME:MARX, DENNIS RONALD
SID:4072134X
OTN:88381270924
OCA:B00066189
IDENT:NO RECORD ON FILE

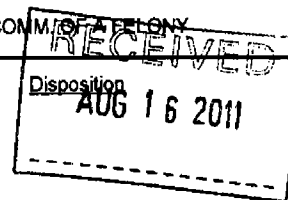


FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 09 2012

Handwritten signature
CLERK SUPERIOR COURT

<u>Charge Literal</u>	<u>Incident Number</u>	<u>Charge Type</u>	<u>Fine</u>	<u>Bail</u>	<u>Disposition</u>
POSSESSION OF A FIREARM DURING THE SALE DELIVERY OF A FELONY				\$0.00	
<u>Charge Description</u>					
POSSESSION OF FIREARM DURING COMM OF A FELONY					
<u>Charge Literal</u>	<u>Incident Number</u>	<u>Charge Type</u>	<u>Fine</u>	<u>Bail</u>	<u>Disposition</u>
POSSESSION OF W/ INTENT TO DISTRIBUTE MARIJUANA				\$0.00	
<u>Statute Description</u>		<u>Charge Description</u>			
		POSSESSION/W/INTENT TO DISTRIBUTE			
<u>Charge Literal</u>	<u>Incident Number</u>	<u>Charge Type</u>	<u>Fine</u>	<u>Bail</u>	<u>Disposition</u>
USE OF A COMMUNICATION DEVICE DURING A VGCSA				\$0.00	
<u>Statute Description</u>		<u>Charge Description</u>			
		USE OF COMMUNICATION FACILITY-DRUG RELATED			



Comments:

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE
APR 09 2012
H. B. Allen
CLERK SUPERIOR COURT

Emergency Contact(s)

Name	Home Phone	Address
KELLY MARX		1405 LAKESIDE TRAIL, CUMMING GA 30041

Inmate Tracking

<u>Inmate Number</u>	<u>Intake Date</u>	<u>Booking Type</u>	<u>Block</u>	<u>Cell</u>	<u>Bed</u>
I-00064691	08/10/2011			CELL B	
<u>Release Type</u>	<u>Scheduled Release</u>	<u>Actual Release</u>			

Message received at: 08/11/2011 06:20:21

Return-Path: <tnetssystem@tnet02.gbitnet.local>
Received: from tnet03.GBITNET.local ([192.168.10.3])
by tnet02.GBITNET.local (8.12.11.20060308/8.12.11) with SMTP id p7B9KTIZ031883
for <ls030@tnet02.GBITNET.local>; Thu, 11 Aug 2011 05:20:29 -0400
Received: from TNET03 ([127.0.0.1])
by tnet03.GBITNET.local
with hMailServer ; Thu, 11 Aug 2011 06:23:09 -0400
Message-ID: <70E806CB-0B60-45D1-B388-B02933A52012@tnet03.GBITNET.local>
Date: Thu, 11 Aug 2011 06:23:09 -0400
From: tnetssystem@tnet02.gbitnet.local
Subject: mid TCN: 0300065127 - GBI Identification Response
To: ls030@tnet02.gbitnet.local
Status:

TYPE:mid
LSTCN:0300065127
GBITCN:12230336039994
DATE/TIME:2011/08/11 06:23:09
NAME:MARX, DENNIS RONALD
SID:4072134X
OTN:88381270924
OCA:B00066189
IDENT:NO RECCRD ON FILE

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE
APR 09 2012
J. R. OLL
CLERK SUPERIOR COURT

RECEIVED
AUG 31 2011

12CR - 0218
CONF08T
Confidential: 08TS
287701



NOTICE OF ARRAIGNMENT

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

APR 18 2012

[Signature]
CLERK SUPERIOR COURT

STATE OF GEORGIA

VS.

DEFENDANT

DENNIS MARX

1405 Lakeside Trail

Cumming, GA 30041

NO. 12CR-0218

FORSYTH SUPERIOR COURT

MARCH TERM 2012

You are hereby commanded to appear at the Superior Court for the County of Forsyth at 9:00 o'clock A.M. on the 2nd day of May, 2012, the date set by the Court for your arraignment upon the charge of Sale of Marijuana x 2, Possession of Marijuana with intent, Possession of a firearm during the commission of a felony, Possession of Alprazolam with intent, Criminal Attempt to manufacture Marijuana.

HEREIN FAIL NOT.

If you fail to appear at the appointed time your bond will be forfeited. Your Bondsman Jailbusters, P.O. Box 3450, Cumming, GA 30028 is hereby notified to have you present as required by law. Your Attorney of Record is Jim Hardy, 341-C Dahlonega Street, Cumming, GA 30040 and he is advised to be present.

WITNESS The Honorable Presiding Judge, Bell-Forsyth Judicial Circuit.

This 13th day of April, 2012.

[Signature]

CLERK SUPERIOR COURT
FORSYTH COUNTY, GEORGIA

I have this day mailed to the defendant above named (and his attorney where known) at their last known address a copy of this notice of arraignment.

This ____ day of ____, 20__.

12CR - 0218
NOTARR
Notice of Arraignment
291605



CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

TO: Dennis Marx

FORSYTH COUNTY COURTHOUSE
100 W. COURTHOUSE SQUARE
CUMMING, GEORGIA 30040

CASE NO: 12CR-0218

JUDGE: Bagley

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 02 2012

11/1/12
CLERK SUPERIOR COURT

HEARING NOTICE

MOTIONS:

Date 6/6/12
Time 9:00 am/pm

CALENDAR CALL:

Date 08/01/12
Time 1:30 am/pm

JURY TRIAL WEEK:

Date 08/13 - 08/20/12
Time 9:00 am/pm

You are hereby notified that the Court has established the above dates upon which hearings will be held with regard to the above-referenced case. You are to be present on the date and time specified.

YOU WILL RECEIVE NO FURTHER NOTICE FOR YOUR MOTIONS DATE and your failure to appear will result in the issuance of a bench warrant for your arrest.

This the 2nd day of May, 2012

DEFENDANT

1403 LAKE SIDE TRL
CUMMING GA 30041

PATRICIA TERRAZAS

CRIMINAL CALENDAR CLERK

BELL-FORSYTH JUDICIAL CIRCUIT

DEFENDANT'S ADDRESS

DEFENDANT'S ATTORNEY

ATTORNEY PHONE NUMBER

PROSECUTOR

12CR-0218

NOHEAR

Notice of Hearing

299124



IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE
MAY 09 2012
CLERK SUPERIOR COURT

STATE OF GEORGIA

v.

DENNIS RONALD MARX,

Defendant.

INDICTMENT NO. 12CR-0218
V.G.C.S.A, ET AL.

FIRST AMENDED MOTION IN LIMINE/TO SUPPRESS

COMES NOW, the Defendant herein, by and through his defense counsel of record, and moves this Honorable Court to grant the Defendant's *First Amended Motion In LIMINE / To Suppress* for the reasons set out hereinbelow:

**PART ONE:
HISTORY OF THE CASE**

On the evening of August 10, 2011, the Forsyth County Sheriff's Office SWAT Team executed search and arrest warrants on the person of the Defendant at his residence located at 1405 Lakeside Trail, Cumming, Georgia 30041. Execution of the search warrant resulted in the seizure of drugs, cash, property and guns.

The Defendant negotiated a Consent Bond in the amount of \$30,000 on August 26, 2011. The Defendant made bond on August 29, 2011 and returned to his Forsyth County residence.

On April 9, 2012, the Grand Jury true-billed Indictment No. 12CR-0218, which charged the Defendant in Count I with sale of Marijuana; in Count II with sale of Marijuana; in Count III with possession with intent to distribute Marijuana; in Count IV with possession of a firearm during the commission of a felony; in Count V possession

12CR-0218
MOLIM
Motion in Limine
302621



with intent to distribute Alprazolam, a Schedule IV controlled substance; and, in Count VI, with criminal intent to manufacture Marijuana.

**PART TWO:
SUMMARY OF CASE FACTS**

The Investigative Report alleges that in early August, 2011, Confidential Informant (CI) #11-06-02 came to Investigator Thomas Little with information that a white male named Dennis was selling Marijuana from his home located at 1405 Lakeside Trail, Cumming, Georgia 30041. The CI told Investigator Little that he had purchased Marijuana from the Defendant in the past.

In early August, 2011, the CI made contact with Investigator Little and informed him that the Defendant had Marijuana for sale. Inv. Little told the CI that he wanted to set up a controlled buy, and Investigator Little opened a drug investigation into the Defendant at the residence in question.

According to the Investigative Report, the CI has a criminal history that includes convictions for shoplifting, possession of alcohol under 21, DUI, and disorderly conduct. The CI is working for financial compensation, i.e., the CI is a paid informant.

The State will propound that the CI participated in two controlled buys for small quantities of Marijuana in early August, 2011 in exchange for \$60 and \$120 in county recorded currency.

A Search Warrant was issued on August 3, 2011. On the evening of August 10, 2011, the Forsyth County Sheriff's Office SWAT Team executed the Search Warrant at the residence of and on the person of the Defendant. A search and seizure ensued, and the Defendant was arrested and transported to the Forsyth County Detention Center.

PART THREE:
VIOLATION OF THE VIDEO WARRANT
APPLICATION MANDATES OF O.C.G.A. § 17-5-21.1

O.C.G.A. § 17-5-21.1 states:

- “(a) A judge of any court in this state authorized to issue search warrants pursuant to Code Section 17-5-21 may, as an alternative to other laws relating to the issuance of search warrants, conduct applications for the issuance of search warrants by video conference.
- (b) Search warrant applications heard by video conference *shall* be conducted in a manner to ensure that the judge conducting the hearing has *visual and audible* contact with all affiants and witnesses giving testimony. (Emphasis added).
- (c) The affiant participating in a search warrant application by video conference shall sign the affidavit for a search warrant and any related documents by any reasonable means which identifies the affiant, including, but not limited to, his or her typewritten name, signature affixed by electronic stylus, or any other reasonable means which identifies the person signing the affidavit and any related documents. The judge participating in a search warrant application by video conference shall sign the affidavit for a search warrant, the search warrant, and any related documents by any reasonable means which identifies the judge, including, but not limited to, his or her typewritten name, signature affixed by electronic stylus, or any other reasonable means which identifies the judicial officer signing the affidavit and warrant and any related documents. Such applications shall be deemed to be written within the meaning of Code Section

17-5-21. Such authorization shall be deemed to comply with the issuance requirements provided for in Code Section 17-5-22.

(d) A judge hearing matters pursuant to this Code section shall administer an oath to any person testifying by means of video conference.

(e) A video recording of the application hearing and any documents submitted in conjunction with the application ***shall be maintained as part of the record.***

(Emphasis added).

In this case, it is to be noted that the Forsyth County Magistrate Court routinely fails to make a video of the Warrant Application and/or fails to maintain the video recording of the application as part of the record. The Defendant expects the State to argue that the language of O.C.G.A. § 17-5-21.1 is not “mandatory” but “permissive” in nature – clearly incorrect.

When construing statutes, our courts have held that ‘shall means shall.’ State v. Villella, 266 Ga. App. 499, 501, 597 S.E.2d 563 (2004)(interpreting the use of word ‘shall’ in O.C.G.A. § 48-2-111); Camp v. Coweta County, 271 Ga. App. 349, 353, 609 S.E.2d 695 (2005)(because O.C.G.A. § 50-21-35 uses ‘shall’ regarding service on the Attorney General court concluded statutory language susceptible of only ‘one natural and reasonable construction such that shall means shall’). Accordingly, the failure to precisely follow the warrant statutes was improper and constitutes statutory violations.

In pertinent part, any permissive language in O.C.G.A. § 17-5-21.1 goes to Paragraph (a) wherein the issuing court has a *choice* as to whether or not they shall conduct the search warrant application via video conference. After the issuing court

makes the election to conduct the warrant application via video, then the trigger is pulled to implement the safeguards and mandates of the statute, i.e., the “video recording of the application hearing and any documents submitted in conjunction with the application ***shall be maintained as part of the record.***” (Emphasis added).

State v. Brown, 250 Ga. App. 376, 551 S.E. 2d 773 (2001) stands for the proposition that clear and unambiguous wording on the face of a statute, which is capable of only one meaning, binds the court to follow the clear meaning of the words and wording therein. The wording in O.C.G.A. § 17-5-21.1 is clear on its face and the same is only capable of having one natural meaning – “shall means shall.”

The defense also expects the State to rely on King v. State, 263 Ga. 741, 744, 438 S.E.2d 620 (1994) for the proposition that there is “no requirement in law of Georgia that requires rather than suggests that magistrate court warrant hearing be recorded.” The cornerstone problems with King are two fold: First, there is no mention that the search warrant was obtained via video conference and, Second, King and its progeny were decided *prior* to the enactment of O.C.G.A. § 17-5-21.1 and carry no weight on the mandates of O.C.G.A. § 17-5-21.1, i.e., “shall means shall.”

Additionally, the State will assert that the statute governing arrest warrant video conference application hearings does not require the hearing to be recorded. O.C.G.A. § 17-4-47. Respectfully, a fatal flaw in this reasoning is that O.C.G.A. § 17-4-47 *does not* contain the strict mandates of O.C.G.A. § 17-5-21(e), i.e. “shall means shall” when the issuing court elects to conduct the warrant application via video conference.

O.C.G.A. § 1-3-1(a) directs that “in all interpretations of statutes, the courts shall look diligently for the intention of the General Assembly, keeping in view at all times the old law, the evil, and the remedy. . . .”

In construing a statute, the determining factor is the intent of the legislature and the court must look first to the words of the statute to determine legislative intent. If those words are plain and unambiguous, and the intent can be clearly gathered therefrom, the court need look no further in determining legislative intent. Early v. Early, 269 Ga. 415, 499 S.E.2d 329 (1998).

On point, in construing the statute prohibiting the killer of an insured from receiving life insurance policy benefits, the Georgia Supreme Court applied the fundamental rule of statutory construction that requires the court to construe a statute according to its terms, to give words their plain and ordinary meaning, and to avoid a construction that makes some language mere surplusage, and at the same time, to seek to effectuate the intent of the legislature. Slakman v. Continental Cas. Company, 277 Ga. 189, 587 S.E.2d 24 (2005).

Where the language of a statute is plain and unambiguous, judicial construction is not only unnecessary but forbidden. Abdulkadir v. State, 279 Ga. 122, 610 S.E.2d 50 (2005).

Finally, the Defendant anticipates the State to respond that the strict mandates of O.C.G.A. § 17-5-21.1 are but “technical irregularities” not affecting the substantial rights of the Defendant Dennis Ronald Marx. To the contrary, the Defendant asserts that when the issuing court circumvents the strict mandates of a statute – violates the law regarding the very video conference Search Warrant that forms the foundation of this case – then

the substantial rights of the accused have been substantially destroyed and Constitution Deprivation should be presumed.

It is fair to say – and to argue – that the Georgia Legislature had reason to believe that video conferences in search warrant applications would streamline our justice and judicial system. But, it can also be said that the Georgia Legislature recognized that the accused needed the enforcement of strict mandates to protect his substantial rights. If the issuing court elects to use video conferencing in lieu of a face to face conference with the requesting party, then the issuing court is bound to follow the strict mandates of O.C.G.A. § 17-5-21.1, and “shall means shall.”

Also, take notice of O.C.G.A. § 17-5-21.1 (d) and O.C.G.A. § 17-4-47 (e) that mandate and direct that “A Judge hearing matters pursuant to this Code section ***shall administer an oath*** to any person testifying by means of a video conference.” (Emphasis added). In this case, the Affidavit & Application for a Search Warrant does not even indicate the selection of “ORAL TESTIMONY, GIVEN UNDER OATH, RECEIVED AND RECORDED.”

In fast growing Forsyth County, Georgia, the issuing Court appears to have used the streamlining intent of the Georgia Legislature because it was convenient. In this case, the issuing Court simply ignored the protections enacted in O.C.G.A. § 17-5-21.1 to the detriment of the accused and his Fourth Amendment rights against illegal searches and seizures.

Consider this: How was the video conference really conducted? Did Investigator Little actually testify? Was Investigator Little placed under oath by the Magistrate Court Judge? What did Investigator Little actually say and present to the Magistrate Court

Judge during the video conference to obtain the search warrant? With no video recording, how can the search warrant be fully challenged and Investigator Little cross-examined on issues which would have been in the video? How can defense counsel provide constitutionally effective representation without review of evidence which is not discoverable because an issuing Court violated the mandates of O.C.G.A. 17-5-21.1 by not maintaining the video as part of the record? How can the State provide discovery regarding the same when they have been deprived of the evidence as well? Is this law-breaking deprivation of the issuing Court a mere “technical irregularity?” No, it is a Constitutional deprivation of safeguards of which Defendant Dennis Ronald Marx is entitled.

PART FOUR:
ABSENCE OF THE NO KNOCK PROVISION

The “NO KNOCK PROVISION” of the video Affidavit & Application for a Search Warrant was not sought by the Affiant, Investigator Little. There is no “X” indicated on the “NO KNOCK PROVISION” selection nor are there any facts inserted in the space entitled “In support, thereof, I state the following facts:”.

Investigator Little’s Affidavit is full of generalities but void of any exigent circumstances to put the issuing Magistrate on notice of any safety concerns. In drug cases, “the law requires more than a general knowledge of the usual or expected course of events” in search warrant affidavits. Williams v. State, 275 Ga.App. 612, 621 S.E.2d 581 (2005).

Accordingly, in Search Warrant Number # E001124, Docket Number # E0011224, the issuing Magistrate Court Judge *does not* grant the “NO KNOCK PROVISION” nor does the Court indicate that there are reasonable grounds to believe

that the giving of verbal notice would “greatly increase the peril to officer(s) executing this warrant” or “lead to the immediate destruction of any of the list of property articles and instruments ordered to be seized.” Clearly, the SWAT Team was not authorized to proceed on a NO KNOCK basis when the Search Warrant left the Magistrate Court.

**PART FIVE:
ILLEGAL FORCED ENTRY**

On the evening of August 10, 2011, the Forsyth County SWAT Team served the Search Warrant at the residence of and on the person of the Defendant. The Team arrived at the residence in the SWAT Bearcat vehicle. The Bearcat’s public address system announced “Sheriff’s Office. Search Warrant. Come to the door.”

Alpha Team deployed up the stairs that led to the upper deck and to the main door that services the kitchen and living room, at which time they executed a forced entry.

Bravo Team made its way to the basement door where they made a forced entry via an axe/sledge hammer. A flash bang device was deployed.

An illegal search and seizure ensued, and the Defendant was arrested and transported to the Forsyth County Detention Center.

The execution of the Search Warrant by the Forsyth County SWAT Team, wherein they proceeded without a NO KNOCK provision, failed to follow the “reasonable force” provisions of O.C.G.A. § 17-5-27. The forced entry was made in the face of the Bearcat’s announcement and without any exigent circumstances.

“[T]he test for ‘exigent circumstances’ is the same regardless of whether those circumstances are used to justify issuance of a ‘no-knock’ warrant or to justify entry at the time of execution.” Williams v. State, 275 Ga.App. 612, 621 S.E.2d 581 (2005). See,

State v. Smith, 219 Ga.App. 905 (1996), cited in, Pool v. State, 266 Ga.App. 113, 596 S.E.2d 420 (2004).

In Poole v. State, 266 Ga.App. 113, 596 S.E.2d 420 (2004), the Court ruled that in a case where an occupant of a house briefly appeared at a window and saw the officers outside the house prior to the search, the officers could not demonstrate exigency on that basis alone. In the case before this Court, the Defendant's physical position alone, whether on, in or about his residential premises, without aggression or flight, does not establish exigent circumstances. Even in the face of the Bearcat's announcement and the Defendant's compliance, a forced entry was executed.

State v. Williams, 275 Ga.App. 612, 621 S.E.2d 581 (2005), citing, Poole v. State, 266 Ga.App. 113, 596 S.E.2d 420 (2004) stands for the position that "[where] a search warrant is illegally executed, the subsequent course of events is tainted." In the instant case at bar, "tainted" equals "illegal".

PART SIX: **CONCLUSION**

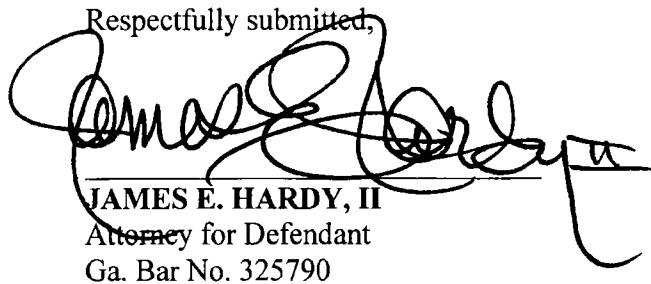
In conclusion, the remedy in this case is suppression of any and all evidence obtained pursuant to the illegal Affidavit & Application for a Search Warrant; the ensuing illegal Search Warrant as well as the unauthorized, unjustified and illegal forced entry and seizure by the Forsyth County SWAT Team.

WHEREFORE, the Defendant prays:

- (a) That this Honorable Court specially set this matter for a full and exhaustive hearing on a date certain;
- (b) That the Court find the Affidavit & Application for a Search Warrant to be illegal;

- (c) That the Court find the ensuing Search Warrant to be illegal;
- (d) That the Court find that the execution of the Illegal Search Warrant and the forced entry by the Forsyth County SWAT Team was illegal;
- (e) That the Court find all evidence gathered, seized, and held by the Forsyth County Sheriff's Office to be fruit of the poisonous tree and therefore suppressed from evidence in the State's case in chief and in their rebuttal case; and,
- (f) That this Honorable Court Order the return of seized cash, property and guns.

Respectfully submitted,



JAMES E. HARDY, II
Attorney for Defendant
Ga. Bar No. 325790

JAMES E. HARDY, II, P.C.
341-C Dahlonega Street
Cumming, Georgia 30040
(770) 886-1996

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

v.

DENNIS RONALD MARX,

Defendant.

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**INDICTMENT NO. 12CR-0218
V.G.C.S.A., ET AL.**

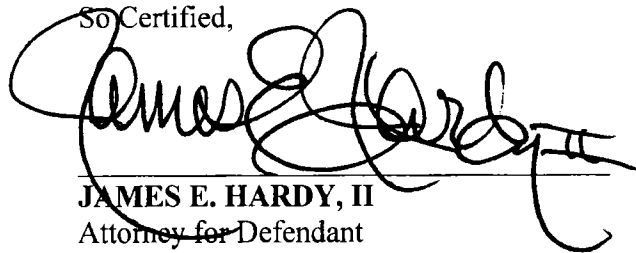
CERTIFICATE OF SERVICE

I HEREWITH CERTIFY that I have served the foregoing *First Amended Motion In Limine / To Suppress* by hand-delivering a true and correct stamped and filed copy of the same to:

PENNY A. PENN, DA OR ADA ASSIGNED
Office of the Forsyth County District Attorney
100 Courthouse Square, Suite 200
Forsyth County Courthouse
Cumming, Georgia 30040

This 9th day of May, 2012.

So Certified,



JAMES E. HARDY, II
Attorney for Defendant
Ga. Bar No. 325790

JAMES E. HARDY, II, P.C.
341-C Dahlonega Street
Cumming, Georgia 30040
(770) 886-1996

GENERAL BILL OF INDICTMENT

WITNESSES:

(See attached list)

CASE NO. 12CR-0218
 FORSYTH SUPERIOR COURT
 MARCH TERM, 2012
 THE STATE OF GEORGIA
 VS.

DENNIS RONALD MARX

True BILL
4. 9, 2012.
Albion C. Rye
 Grand Jury Foreperson

James D. Fisher
 Grand Jury Bailiff

Filed In Office This 9th Day Of
April, 2012.

APR alle
 Clerk, Superior Court

PENNY A. PENN, District Attorney

The defendant _____ waives copy of indictment, list of witnesses and pleads <u>Not</u> Guilty. This the <u>2nd</u> day of <u>April</u> , 20 <u>12</u> .	The defendant _____ waives copy of indictment, list of witnesses and pleads _____ Guilty. This the _____ day of _____, 20__.	The defendant _____ waives copy of indictment, list of witnesses and pleads _____ Guilty. This the _____ day of _____, 20__.
<u>[Signature]</u> Defendant	_____ Defendant	_____ Defendant
<u>[Signature]</u> Attorney for Defendant	_____ Attorney for Defendant	_____ Attorney for Defendant
<u>[Signature]</u> ADA	_____ ADA	_____ ADA

VERDICT

We, the Jury, find the defendant _____.
 This the _____ day of _____, 20__.
 _____ Foreperson

12CR-0218
 IND
 Indictment
 286861



12cr-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX

Page Two of Seven

STATE OF GEORGIA, COUNTY OF FORSYTH

IN THE SUPERIOR COURT OF FORSYTH COUNTY

THE GRAND JURORS selected, chosen and sworn for the County of Forsyth, to wit:

1. Charles Edward Maxwell, Foreperson

- | | |
|---|-----------------------------------|
| 2. Deborah Courtney Rigby - Asst. Foreperson | 13. David Wesley Zimmer |
| 3. Polly A. Rickman -Clerk | 14. Darryl Bruce Parsons |
| 4. Raiza Ivelisse Otero - Asst. Clerk | 15. Dorothy Simonds Little |
| 5. Carlos Emil Rivera | 16. Joseph Arthur Allison |
| 6. Peter A. Wiktorski, Jr. | 17. Tanya A. Jarrell |
| 7. Derek Dixon McCord | 18. Ester Lucia Alarcon |
| 8. Raymond A. Pontes | 19. Pamela Luper Smith |
| 9. Ryan Alexander Bridges | 20. Laura A. Stang |
| 10. Brian Rawlin | 21. Teddy Lamar Brooks |
| 11. Rodney Stephen Bryant | 22. Edward Edgar Wood |
| 12. Stacy L. Tomassetti | 23. Lynn M. Humphries |

COUNT I
SALE OF MARIJUANA

IN THE NAME AND BEHALF OF THE CITIZENS OF THE STATE OF GEORGIA, charge and accuse **DENNIS RONALD MARX** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT (O.C.G.A. § 16-13-30)**, for that the said accused on the 1st day of August, 2011, in the County of Forsyth, did unlawfully sell Marijuana, not being the same Marijuana as alleged in any other count of this indictment, in violation of the Georgia Controlled Substances Act, contrary to the laws of this State, the good order, peace and dignity thereof

12CR-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX

Page Three of Seven

**COUNT II
SALE OF MARIJUANA**

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of the State of Georgia, further charge and accuse **DENNIS RONALD MARX** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT (O.C.G.A. § 16-13-30)**, for that the said accused on the 8th day of August, 2011, in the County of Forsyth, did unlawfully sell Marijuana, not being the same Marijuana as alleged in any other count of this indictment, in violation of the Georgia Controlled Substances Act, contrary to the laws of this State, the good order, peace and dignity thereof

**COUNT III
POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE**

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of the State of Georgia, further charge and accuse **DENNIS RONALD MARX** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT (O.C.G.A. § 16-13-30)**, for that the said accused on the 10th day of August, 2011, in the County of Forsyth, did knowingly possess with intent to distribute Marijuana, not being the same Marijuana as alleged in all other counts of this indictment, in violation of the Georgia Controlled Substances Act, contrary to the laws of this State, the good order, peace and dignity thereof.

**COUNT IV
POSSESSION OF A FIREARM DURING THE COMMISSION OF A FELONY**

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of the State of Georgia, further charge and accuse **DENNIS RONALD MARX** with the offense of **POSSESSION OF A FIREARM DURING THE COMMISSION OF A FELONY (O.C.G.A. § 16-11-106)**, for that the said accused on the 10th day of August, 2011, in the County of Forsyth, did have on his person a firearm, to wit: a Glock 26, 9mm handgun, during the commission of the crime of Possession of Marijuana with intent to distribute, Possession of Alprazolam with intent to distribute and Criminal Attempt to Manufacture Marijuana, O.C.G.A. § 16-13-30, contrary to the laws of this State, the good order, peace and dignity thereof.

12cr-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX

Page Four of Seven

**COUNT V
POSSESSION OF ALPRAZOLAM WITH INTENT TO DISTRIBUTE**

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of the State of Georgia, further charge and accuse **DENNIS RONALD MARX** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT (O.C.G.A. § 16-13-30)**, for that the said accused on the 10th day of December, 2011, in the County of Forsyth, did knowingly possess with intent to distribute Alprazolam, a Schedule IV controlled substance, in violation of the Georgia Controlled Substances Act, contrary to the laws of this State, the good order, peace and dignity thereof.

**COUNT VI
CRIMINAL ATTEMPT TO MANUFACTURE MARIJUANA**

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of the State of Georgia, further charge and accuse **DENNIS RONALD MARX** with the offense of **CRIMINAL ATTEMPT TO MANUFACTURE MARIJUANA (O.C.G.A. § 16-13-33)**, for that the said accused on the 10th day of December, 2011, in the County of Forsyth, did with intent to commit an offense defined in the Georgia Controlled Substances Act, to wit: Manufacture Marijuana, O.C.G.A. 16-13-30, perform an act, to wit: did possess all of the necessary machinery, devices, containers and chemicals to Manufacture Marijuana, and did set up said machinery, devices, containers and chemicals to begin Manufacturing Marijuana, said act constituting a substantial step toward the commission of said offense, contrary to the laws of this State, the good order, peace and dignity thereof.

PENNY A. PENN, District Attorney

12CR-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX**Page Five of Seven****WITNESS LIST****Officer Information:**

Name	Address	Phone
Inv. Thomas Little	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2200
Sgt. Mike McCarron	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Inv. Derek Bleisath	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Inv. Terry Hawkins	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Home: 770-781-2200
Inv. Scott Boggus	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2200
Capt. Mark Hoffman	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Lt. Mike Giordano	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Sgt. Richard Wiggins	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Sgt. Rob Heagerty	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Sgt. Bill Loring	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Sgt. Brendan Moore	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Sgt. Richard Thompson	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222

12CR-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX**Page Six of Seven****WITNESS LIST continued****Officer Information:**

Name	Address	Phone
Cpl. David Marsh	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy John Whitworth	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy Noah Sprague	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy Josh Bell	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy Steven Maddox	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy Michael Young	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Deputy Kevin Pittman	Forsyth County Sheriff's office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Capt. Nick Cardella	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Lori A. Stedman	Roswell Police Department - Evidence 39 Hill Street Roswell, GA 30076	Work: 770-781-2222
Jane Gilbertson	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Andy Kalin	Forsyth County District Attorney's Office 100 Courthouse Square, Suite 200 Cumming, GA 30040	Work: 770-781-2125

12CR-0218

STATE OF GEORGIA VS. DENNIS RONALD MARX

Page Seven of Seven

WITNESS LIST continued

Witness Information

Name	Address	Phone
John Carter	1770 EAGLE CREEK TRAIL CUMMING, GA 30041	Home: 770-781-8513
Adam Rudolph	GBI-DOFS 77 Cobb Vantress Drive Cleveland, GA 30528	Work: 706-348-4873
Aletha Ellis-Barrett	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222
Jessica Neeley	Forsyth County Sheriff's Office 475 Tribble Gap Road Cumming, GA 30040	Work: 770-781-2222

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

DENNIS RONALD MARX

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

JUL 20 2012

A. A. Oll
CLERK SUPERIOR COURT

INDICTMENT NO.

12CR-0218

NOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of August 13, 2012 & August 20, 2012. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on August 01, 2012 at 1:30 PM before the Hon Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.

The Defendant and his/her attorney are also required to appear for Priority Calendar Call on August 10, 2012 at 8:30 a.m., to be announced before the Hon Jeffrey S. Bagley, unless previously excused by the Court.

ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the 16th day of July, 2012.

JAD	JAILBUSTER	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		341-C DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRL CUMMING GA 30041

I hereby certify that I have this date served the Defendant and Defendant's Attorney of Record and Bondsman with a copy of the foregoing documents by United States mail, with sufficient postage affixed to ensure proper delivery. I also hereby certify that I have this date served the District Attorney's office with a copy of the foregoing documents by hand delivery.



PATRICIA TERRAZAS
Criminal Calendar Coordinator
Superior Court of Forsyth County
Bell-Forsyth Judicial Circuit
(678) 965-7144; (678) 965-7149 Fax
pterrazas@forsythco.com

12CR-0218
JTN
Jury Trial Notice
339532



IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

DENNIS RONALD MARX

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INDICTMENT NO.

12CR-0218

NOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of October 8, 2012 & October 15, 2012. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on September 26, 2012 at 1:30 PM before the Hon Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.

The Defendant and his/her attorney are also required to appear for Priority Calendar Call on October 5, 2012 at 8:30 a.m. to be announced before the Hon Jeffrey S. Bagley, unless previously excused by the Court.

ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the 13th day of September, 2012.

JAD	JAILBUSTERS	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		341-C DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRL CUMMING GA 30041

I hereby certify that I have this date served the Defendant and Defendant's Attorney of Record and Bondsman with a copy of the foregoing documents by United States mail, with sufficient postage affixed to ensure proper delivery. I also hereby certify that I have this date served the District Attorney's office with a copy of the foregoing documents by hand delivery.

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

SEP 12 2012

CLERK SUPERIOR COURT

Patricia Terrazas
PATRICIA TERRAZAS
Criminal Calendar Coordinator
Superior Court of Forsyth County
Bell-Forsyth Judicial Circuit
(678) 965-7144; (678) 965-7149 Fax
pterrazas@forsythco.com

12CR-0218
JTN
Jury Trial Notice
365713



IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

DENNIS RONALD MARX

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INDICTMENT NO.

12CR-0218

NOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of October 8, 2012 & October 15, 2012. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on September 26, 2012 at 1:30 PM before the Hon Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.

The Defendant and his/her attorney are also required to appear for Priority Calendar Call on October 5, 2012 at 8:30 a.m. to be announced before the Hon Jeffrey S. Bagley, unless previously excused by the Court.

ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the 13th day of September, 2012.

JAD	JAILBUSTERS	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		341-C DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRL CUMMING GA 30041

I hereby certify that I have this date served the Defendant and Defendant's Attorney of Record and Bondsman with a copy of the foregoing documents by United States mail, with sufficient postage affixed to ensure proper delivery. I also hereby certify that I have this date served the District Attorney's office with a copy of the foregoing documents by hand delivery.

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

SEP 12 2012

CLERK SUPERIOR COURT

Patricia Terrazas
PATRICIA TERRAZAS
Criminal Calendar Coordinator
Superior Court of Forsyth County
Bell-Forsyth Judicial Circuit
(678) 965-7144; (678) 965-7149 Fax
pterrazas@forsythco.com

12CR - 0218
JTN
Jury Trial Notice
365713



FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

NOV 14 2012

IN THE SUPERIOR COURT OF FORSYTH COUNTY

H. Hall
CLERK SUPERIOR COURT

STATE OF GEORGIA

STATE OF GEORGIA

VS.

DENNIS RONALD MARX

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*INDICTMENT NO.
12CR-0218NOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of December 10, 2012. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on November 28, 2012 at 1:30 PM before the Honorable Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.

The Defendant and his/her attorney are also required to appear for Priority Calendar Call on December 7, 2012 at 8:30 am, to be announced before the Honorable Jeffrey S. Bagley, unless previously excused by the Court.

ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the 14th day of November, 2012.

JAD	JAIL BUSTERS	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		341-C DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRAIL CUMMING GA 30041

I hereby certify that I have this date served the Defendant and Defendant's Attorney of Record and Bondsman with a copy of the foregoing documents by United States mail, with sufficient postage affixed to ensure proper delivery. I also hereby certify that I have this date served the District Attorney's office with a copy of the foregoing documents by hand delivery.

Patricia Terrazas
PATRICIA TERRAZAS
Criminal Calendar Coordinator
Superior Court of Forsyth County
Bell-Forsyth Judicial Circuit
(678) 965-7144; (678) 965-7149 Fax
pterrazas@forsythco.com

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

DENNIS RONALD MARX

* FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE
* JAN 08 2013
* *11/2/2012*
* CLERK SUPERIOR COURT

INDICTMENT NO.

12CR-0218

NOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of February 11, 2013 and February 18, 2013. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on January 16, 2013 at 1:30 PM before the Honorable Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.

The Defendant and his/her attorney are also required to appear for Priority Calendar Call on February 8, 2013 at 8:30 am to be announced before the Honorable Jeffrey S. Bagley, unless previously excused by the Court.

ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the 8th day of January, 2013.

JAD	JAIL BUSTERS	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		341-C DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRL CUMMING GA 30041

I hereby certify that I have this date served the Defendant and Defendant's Attorney of Record and Bondsman with a copy of the foregoing documents by United States mail, with sufficient postage affixed to ensure proper delivery. I also hereby certify that I have this date served the District Attorney's office with a copy of the foregoing documents by hand delivery.

Patricia Terrazas
PATRICIA TERRAZAS
Criminal Calendar Coordinator
Superior Court of Forsyth County
Bell-Forsyth Judicial Circuit
(678) 965-7144; (678) 965-7149 Fax
pterrazas@forsythco.com

12CR-0218
JTN
Jury Trial Notice
420628



FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

JAN 18 2013

A. A. All
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

 ORIGINAL

STATE OF GEORGIA

vs.

DENNIS MARX

Defendant.

Case No. 12CR-0218

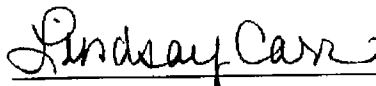
RULE NISI

The () State's (☒) Defendant's (SPECIAL SET - 2 DAYS)

First Amended Motion in Limine/to Suppress

is hereby scheduled for hearing before this court, the Hon. Jeffrey S. Bagley
presiding, at the Forsyth County Courthouse, 100 Courthouse Square, Cumming, Georgia,
on the 3, 4, 5 day of JUNE, 2013, at 9:00 o'clock a.m.

Dated: 1/18/2013



Lindsay Carr,
Criminal Calendar Coordinator



CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing *Rule Nisi* was served today upon the prosecutor and upon Defendant's counsel by sending it to:

1. James Hardy
341-C Dahlonga Street
Cumming, Georgia 30040

() By First Class mail.

() By fax to:

(✓) By email to: jameshardy@bellsouth.net

2. Sandra Partridge
100 Courthouse Square
Suite 200
Cumming, Georgia 30040

() By First Class mail.

() By fax to:

(✓) By email to: sapartridge@forsythco.com

Dated: 1/18/2013.

Lindsay Carr

Lindsay Carr,
Criminal Calendar Coordinator

IN THE SUPERIOR COURT OF FORSYTH COUNTY
FILED IN OFFICE

STATE OF GEORGIA

2013 MAR 14 PM 3:14

STATE OF GEORGIA

*

GREG G. ALLEN, CLERK
SUPERIOR & STATE COURT
FORSYTH COUNTY, GEORGIA

VS.

*

CASE NO. 12CR-0218

*

*

DENNIS RONALD MARX

*

NOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of April 15, 2013 and April 22, 2013. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on March 27, 2013 at 1:30 PM before the Honorable Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.


The Defendant and his/her attorney are also required to appear for Priority Calendar Call on April 12, 2013 at 8:30 am to be announced before the Honorable Jeffrey S. Bagley, unless previously excused by the Court.

ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the 13th day of March, 2013.

SAP	JAILBUSTER	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		351-B DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRL CUMMING GA 30041

I hereby certify that I have this date served the Defendant and Defendant's Attorney of Record and Bondsman with a copy of the foregoing documents by United States mail, with sufficient postage affixed to ensure proper delivery. I also hereby certify that I have this date served the District Attorney's office with a copy of the foregoing documents by hand delivery.



PATRICIA TERRAZAS
Criminal Calendar Coordinator
Superior Court of Forsyth County
Bell-Forsyth Judicial Circuit
(678) 965-7144; (678) 965-7149 Fax
pterrazas@forsythco.com

12CR-0218
JTN
Jury Trial Notice
453536



IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

DENNIS RONALD MARX

*
FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

* MAY 17 2013

* *H. J. Oll*
CLERK SUPERIOR COURT

INDICTMENT NO.

12CR-0218

NOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of June 10, 2013 and June 17, 2013. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on May 29, 2013 at 1:30 PM before the Honorable Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.

The Defendant and his/her attorney are also required to appear for Priority Calendar Call on June 7, 2013 to be announced before the Honorable Jeffrey S. Bagley, unless previously excused by the Court.

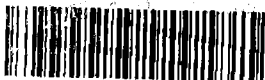
ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the 16th day of May, 2013.

SAP	JAILBUSTERS	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		351-B DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRL CUMMING GA 30041

I hereby certify that I have this date served the Defendant and Defendant's Attorney of Record and Bondsman with a copy of the foregoing documents by United States mail, with sufficient postage affixed to ensure proper delivery. I also hereby certify that I have this date served the District Attorney's office with a copy of the foregoing documents by hand delivery.

12CR-0218
JTN
Jury Trial Notice
486286



Patricia Terrazas
PATRICIA TERRAZAS/LINDSAY EMORY
Criminal Calendar Clerks
Superior Court of Forsyth County
Bell-Forsyth Judicial Circuit
(678) 965-7144; (678) 965-7149 Fax
pterrazas@forsythco.com



FORSYTH COUNTY SHERIFF'S OFFICE

Sheriff's Services Division

875 Lanier 400 Parkway

Suite 138

Cumming, GA 30040



April 24, 2013

Law Offices of James E. Hardy, II, P.C.

Attn: James E. Hardy

351-B Dahlonega St

Cumming, GA 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

A. B. Orr
CLERK SUPERIOR COURT

Re: Case Number 12CR-0218

Dear Mr. Hardy,

Enclosed is the served subpoena you have sent to me for service on Capt. Mark Hoffman. I have attached a copy of my cover sheet that I use when I process subpoenas as well. Cpl S. Boggus did not return the yellow copy of your subpoena; however he was served with it. The cover sheet shows dates and signatures. I also sent you an email with return service attached. Please let me know if you need any further assistance.

Pink copy for Cpl S. Boggus attached
[Signature]

Thank you,

H. Nicole Waters

H. Nicole Waters

Forsyth County Sheriff's Office

Sheriff's Services Division

875 Lanier 400 Parkway, Suite 138

Cumming, GA 30040

(770)886-2765

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE # 13A0015

TO: CONF. MARK H. HARRIS
4115 TRIBBLE CAMP RD.
Cumming, Ga 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business aside

ALL you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County
Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 20 13 to be
sworn as a witness for the Defense in the case of State of Georgia vs.
DAVIDS RONALD HARRIS, Case No. 12CR-0218. There pending and from
term to term until discharged.

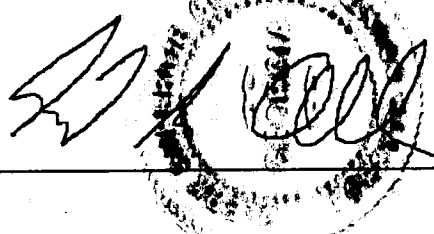
HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of April, 20 13

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

SAULS E. HARDY II
351-B DANIELLE ST.
Cumming, Ga 30040
Phone: 770-886-1996

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.



REORDER #12-0156 CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE #

TO: Mr. Scott Davis

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County
Courthouse at 1:00 o'clock A.M. on the 30 day of May, 20 13 to be
sworn as a witness for the State of Georgia in the case of Scott Davis vs.
State of Georgia, Case No. 13-00000000. There pending and from
term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 30 day
of May, 20 13.

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

Phone: 770-812-1116

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

REORDER #12-0156 CLYDE CASTLEBERRY CO., COVINGTON, GA 30015



FORSYTH COUNTY SHERIFF'S OFFICE



Sheriff's Services Division

875 Lanier 400 Parkway

Suite 138

Cumming, GA 30040

April 25, 2013

Law Offices of James E. Hardy, II, P.C.

Attn: James E. Hardy

351-B Dahlonega St

Cumming, GA 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

H. A. Oll
CLERK SUPERIOR COURT

Re: Case Number 12CR-0218

Dear Mr. Hardy,

Enclosed is the served subpoena you have sent to me for service on Chief Giordano and Sgt B. Moore. I also sent you an email with return service attached. Please let me know if you need any further assistance.

Thank you,

H. Nicole Waters

H. Nicole Waters

Forsyth County Sheriff's Office

Sheriff's Services Division

875 Lanier 400 Parkway, Suite 138

Cumming, GA 30040

(770)886-2765

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE #

TO:

JAMES E. HARDY II
4715 TILKINS RD
CUMMING, GA 30040FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business asideA. Allen
CLERK SUPERIOR COURT

you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County

Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 2013 to be

sworn as a witness for the DEFENSE in the case of STATE OF GEORGIA vs.

LENNIS RONALD MARY Case No. DCR-0218 There pending and from

term to term until discharged.

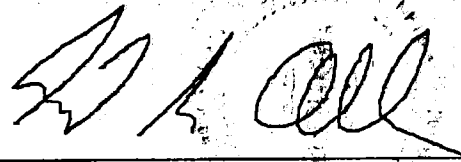
HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of APRIL 2013

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

JAMES E. HARDY II
351-15 DUNCAN ST
CUMMING, GA 30040

Phone: 770-886-1996

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

REORDER #12-0158 CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA
FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

ACTION/CASE #

DCR-0218

TO: Mr. B. Hicks

MAY 30 2013

MR. Allen
CLERK SUPERIOR COURT

YOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County

Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 20 13 to be

sworn as a witness for the Defense in the case of State of Georgia vs.

DAVID BOWEN HARRIS, Case No. DCR-0218. There pending and from

term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of April, 20 13

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

SPENCER E. HARDY, II

351-B LAUREL ST.
CUMMING, GA 30040

Phone: 770-886-1996

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

REORDER #12-0158 CLYDE CASTLEBERRY CO., COVINGTON, GA 30015



FORSYTH COUNTY SHERIFF'S OFFICE

Sheriff's Services Division

875 Lanier 400 Parkway

Suite 138

Cumming, GA 30040



April 29, 2013

Law Offices of James E. Hardy, II, P.C.

Attn: James E. Hardy

351-B Dahlonega St

Cumming, GA 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

A. A. Orr
CLERK SUPERIOR COURT

Re: Case Number 12CR-0218

Dear Mr. Hardy,

Enclosed is the served subpoena you have sent to me for service on the following; Sgt Richard Thompson, Sgt R.J. Wiggins, DFC John Whitworth, DFC Thomas Little, and DFC Kevin Pittman. I also sent you an email with return service attached. Please let me know if you need any further assistance.

Thank you,

H. Nicole Waters

H. Nicole Waters

Forsyth County Sheriff's Office

Sheriff's Services Division

875 Lanier 400 Parkway, Suite 138

Cumming, GA 30040

(770)886-2765

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE #

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

11/1/02
CLERK SUPERIOR COURT

YOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County
Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 2013 to be
sworn as a witness for the DEFENSE in the case of State of Georgia vs.
DENNIS RONALD MARY, Case No. DCR-0218. There pending and from
term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22ND day
of APRIL, 2013

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

JAMES E. HARDY II
351-B DAHLGREN ST
CHAMBERS, GA 30040

Phone: 770-886-1996

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

[Signature]

REORDER #12-0159 CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE #

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

H. G. Allen
CLERK SUPERIOR COURTYOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County
 Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 2013 to be
 sworn as a witness for the DEFENSE in the case of State of Georgia vs.
DAVID RONALD MAX, Case No. DCR-0218. There pending and from
 term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
 of April, 2013

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

JAMES S. HARDY III
351-B DALLANESA ST
CUMMING, GA 30040

Phone: 770-886-1996

If you are subpoenaed as a witness for the State and
 have any questions, call the District Attorney / Solicitor
 General's Office at (770) 781-2125 or (770) 781-2145.

REORDER #12-0159 CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE # DCR-0218

TO: James E. Hardy, II
415 THREE GY RD
Cumming, GA 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

A. A. Allen
CLERK SUPERIOR COURT

YOU ARE HEREBY COMMANDED,
that laying all other business aside

you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County

Courthouse at 9:00 o'clock A.M. on the 3-5 day of JUNE, 2013 to be

sworn as a witness for the DEFENSE in the case of State of Georgia vs.

Dennis Ronald Hark, Case No. DCR-0218. There pending and from

term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of APRIL 2013.

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

James E. Hardy, II
351-15 DALLMEYER ST.
Cumming, GA 30040

Phone: 770-886-1996

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE # 12CR-0218

TO: MR. THOMAS LITTE
1115 TRIMBLE GAP RD
CLARKSBURG, GA 30040

FORSYTH COUNTY, GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Forsyth Judicial Circuit, Forsyth County
Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 2013 to be
sworn as a witness for the Defense in the case of State of Georgia vs.
Dennis Ronald Harky Case No. 12CR-0218. There pending and from
term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of April, 2013

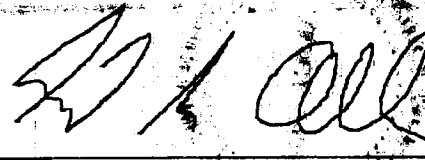
If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

James S. Harky, Jr.
351-B Dunwoody St.
Clarkburg, Ga 30040

Phone: 770-886-1996

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.



STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE #

DCR 0218

TO:

DTC Kevin Thompson
15 W. W. St.
Chamblee, GA 30040FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business aside

you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County

Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 2013 to besworn as a witness for the Defense in the case of State of Georgia vs.Dennis Ronald Marx, Case No. DCR-0218. There pending and from

term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of April, 2013

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

James E. Hardy, II
351-13 Lakewood St.
Chamblee, GA 30040Phone: 1776-886-1996If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

REORDER #12-0158 CLYDE CASTLEBERRY CO., COVINGTON, GA 30015



FORSYTH COUNTY SHERIFF'S OFFICE

Sheriff's Services Division

875 Lanier 400 Parkway
Suite 138
Cumming, GA 30040



April 29, 2013

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

A. R. Cobb
CLERK SUPERIOR COURT

Law Offices of James E. Hardy, II, P.C.
Attn: James E. Hardy
351-B Dahlonega St
Cumming, GA 30040

Re: Case Number 12CR-0218

Dear Mr. Hardy,

Enclosed is the served subpoena you have sent to me for service on the following; DFC S. Maddox, DFCN. Sprague, & DFC M. Young. I also sent you an email with return service attached. Please let me know if you need any further assistance.

Thank you,

H. Nicole Waters
Forsyth County Sheriff's Office
Sheriff's Services Division
875 Lanier 400 Parkway, Suite 138
Cumming, GA 30040
(770)886-2765

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA ACTION/CASE #

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

TO: MISS JENNIFER GUNTER
1155 W. 10th St
Lawrence, GA 30040

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County
Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 2013 to be
sworn as a witness for the Defense in the case of State of Georgia vs.
DEANUS BENJAMIN WALKER Case No. DCR-0018 There pending and from
term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of APRIL 2013

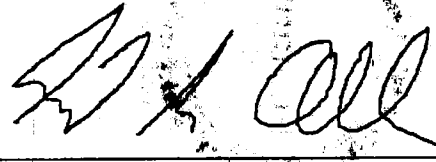
If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

JAMES S. HARDY JR.
25113 LAWRENCE ST
Lawrence, GA 30040

Phone: 770-880-1496

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.



STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE #

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

TO:

W. N. SPRAY
415 TRAVIS CIRCLE
CUMMING, GA 30040

MAY 30 2013

A. R. Allen
CLERK SUPERIOR COURTYOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth CountySuperior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County
Courthouse at 4:00 o'clock A.M. on the 3-5 day of June, 2013 to be
sworn as a witness for the DEFEENSE in the case of State of Georgia vs.
DEANIS REINHOLD HILKX, Case No. DCR 1250218. There pending and from
term to term until discharged.HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of April, 2013.

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

JAMES S. HURDY II
351-13 DALLAS ST.
CUMMING, GA 30040Phone: 770-886-1916If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

REORDER #12-0156 CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE #

12CR-0218

TO:

Deputy Sheriff Young
4115 Tripple Gap Rd
Cumming GA 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business aside

you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County

Courtroom at 9:00 o'clock A.M. on the 3-5 day of JUNE, 20 13 to besworn as a witness for the DEFENSE in the case of State of Georgia vs.

Dennis Ronald Marx Case No. 12CR-0218 There pending and from
term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of APRIL, 20 13

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

JAMES E. HARDY, II
351-B DANLORGA ST.
CUMMING, GA 30040

Phone: 770-886-1996

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

REORDER #11-1512 Clyde Castleberry Co., Covington, GA 30014

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA ACTION/CASE # 13-00000

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

TO: Deputy Bill Lanning
115 TRIBBLE GAP RD.
Lawrence, GA 30040

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County
Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 20 13 to be
sworn as a witness for the Defense in the case of State of Georgia vs.
Dennis Ronald Marx, Case No. DCR-0218. There pending and from
term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of April, 20 13

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

James E. Hardy, II
351-B DALLANES ST.
Lawrence, GA 30040

Phone: 770-886-1996

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

[Handwritten signature]



FORSYTH COUNTY SHERIFF'S OFFICE

Sheriff's Services Division

875 Lanier 400 Parkway
Suite 138
Cumming, GA 30040



May 2, 2013

Law Offices of James E. Hardy, II, P.C.
Attn: James E. Hardy
351-B Dahlonega St
Cumming, GA 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

A.P. Orr
CLERK SUPERIOR COURT

Re: Case Number 12CR-0218

Dear Mr. Hardy,

Enclosed is the served subpoena you have sent to me for service on DFC Greg Cannon. I also sent you an email with return service attached. Please let me know if you need any further assistance.

Thank you,

H. Nicole Waters

H. Nicole Waters
Forsyth County Sheriff's Office
Sheriff's Services Division
875 Lanier 400 Parkway, Suite 138
Cumming, GA 30040
(770)886-2765

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE #

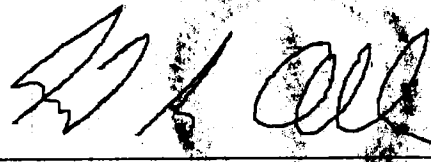
12CR-0218

TO: Larry G. Cannon
415 Tribble Gap Rd
Cumming, GA 30040YOU ARE HEREBY COMMANDED,
FORSYTH COUNTY GEORGIA that laying all other business aside
FILED IN THIS OFFICE you be and appear at the Forsyth CountySuperior / State Court, Criminal Division, before the Presiding Judge of the Forsyth Judicial Circuit, Forsyth County
Courtthouse at 9:00 o'clock A.M. on the 3-5 day of June, 2013 to be
sworn as a witness for the Defense in the case of State of Georgia vs.
Delius Ronald Marx Case No. 12CR-0218. There pending and from
term to term until discharged.HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of April 2013.

If you have questions, contact Attorney for Plaintiff/Defendant

James E. Hardy II
351-B Dahlberg St.
Cumming, GA 30040Phone: 770-886-1996If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

GREG G. ALLEN, CLERK SUPERIOR COURT





FORSYTH COUNTY SHERIFF'S OFFICE

Sheriff's Services Division

875 Lanier 400 Parkway

Suite 138

Cumming, GA 30040



May 8, 2013

Law Offices of James E. Hardy, II, P.C.

Attn: James E. Hardy

351-B Dahlonega St

Cumming, GA 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

A. B. All
CLERK SUPERIOR COURT

Re: Case Number 12CR-0218

Dear Mr. Hardy,

Enclosed is the served subpoena you have sent to me for service on Sgt Rob Heagerty. I also sent you an email with return service attached. Please let me know if you need any further assistance.

Thank you,

H. Nicole Waters

H. Nicole Waters

Forsyth County Sheriff's Office

Sheriff's Services Division

875 Lanier 400 Parkway, Suite 138

Cumming, GA 30040

(770)886-2765

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE # 13-000000

TO: ALVIN HENNING
4775 TRIMBLE RD
CUMMING, GA 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business aside

ALLEN
CLERK SUPERIOR COURT

you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County

Courthouse at 11:00 o'clock A.M. on the 3-5 day of June, 20 13 to be

sworn as a witness for the Defense in the case of State of Georgia vs.

DAVID RONALD HARRIS, Case No. 13CR-0018. There pending and from
term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of April, 20 13


If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

JAMES E. HARDY, II
351-15 DALLAS LEGAL ST.
CUMMING, GA 30040

Phone: 770-886-1996

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.





FORSYTH COUNTY SHERIFF'S OFFICE

Sheriff's Services Division

875 Lanier 400 Parkway

Suite 138

Cumming, GA 30040



April 30, 2013

Law Offices of James E. Hardy, II, P.C.

Attn: James E. Hardy

351-B Dahlonega St

Cumming, GA 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

H.A. Allen
CLERK SUPERIOR COURT

Re: Case Number 12CR-0218

Dear Mr. Hardy,

Enclosed is the served subpoena you have sent to me for service on the following; Sgt Bill Loring, Cpl David Marsh, and DFC Josh Bell. I also sent you an email with return service attached. Please let me know if you need any further assistance.

Thank you,

H. Nicole Waters

H. Nicole Waters

Forsyth County Sheriff's Office

Sheriff's Services Division

875 Lanier 400 Parkway, Suite 138

Cumming, GA 30040

(770)886-2765

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA

ACTION/CASE #

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICETO: MR. DAVID WILSON
415 TRIMBLE CIR NW
CUMMING, GA 30040

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth CountySuperior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County
Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 2013 to be
sworn as a witness for the DEFENSE in the case of State of Georgia vs.
Dennis Ronald Marx, Case No. DCR-218. There pending and from
term to term until discharged.HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of April, 2013

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

JAMES E. HARDY II
351-13 DANLEY RD S
CUMMING, GA 30040Phone: 770-886-1996If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

REORDER #12-0159 CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA ACTION/CASE # 13-130

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

TO: Deputy Sheriff
415 TRIBBLE GAP RD
Cumming, GA 30040

MAY 30 2013

YOU ARE HEREBY COMMANDED,
that laying all other business aside

Greg G. Allen
CLERK SUPERIOR COURT

be and appear at the Forsyth County

Superior State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County

Courthouse at 9:00 o'clock A.M. on the 3-5 day of June, 20 13 to be

sworn as a witness for the Defense in the case of State of Georgia vs.

Dennis Bernard Marx, Case No. DCR-0218. There pending and from
term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of April, 20 13

If you have questions, contact Attorney for Plaintiff/Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

JAMES E. HARDY II
351-B PARKVIEW St.
Cumming, GA 30040
Phone: 770-886-1916

Greg G. Allen

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

REORDER #11-1512 Clyde Castleberry Co., Covington, GA 30014



FORSYTH COUNTY SHERIFF'S OFFICE

Sheriff's Services Division

875 Lanier 400 Parkway

Suite 138

Cumming, GA 30040



April 24, 2013

Law Offices of James E. Hardy, II, P.C.

Attn: James E. Hardy

351-B Dahlonga St

Cumming, GA 30040

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 30 2013

M. A. B. B.
CLERK SUPERIOR COURT

Re: Case Number 12CR-0218

Dear Mr. Hardy,

Enclosed is the served subpoena you have sent to me for service on Major Matthew Hester. I also sent you an email with return service attached. Please let me know if you need any further assistance.

Thank you,

H. Nicole Waters
Forsyth County Sheriff's Office
Court Services Division
875 Lanier 400 Parkway
Suite 138
Cumming, GA 30040
(770)886-2765

12CR-0218
SUBP
Subpoena
491806



STATE OF GEORGIA
FORSYTH COUNTY

CRIMINAL WITNESS SUBPOENA
FORSYTH COUNTY, GEORGIA
FILED IN THIS OFFICE

ACTION/CASE # 12CR-0218

TO: LT. COL. MATTHEW HESTER
475 TRIBLE GAP RD.
CUMMING, GA 30040

MAY 30 2013

GREG G. ALLEN
CLERK SUPERIOR COURT

YOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth County

Superior / State Court, Criminal Division, before the Presiding Judge of the Bell-Forsyth Judicial Circuit, Forsyth County
Courthouse at 9:00 o'clock A.M. on the 3-5 day of JUNE, 2013 to be
sworn as a witness for the DEFENSE in the case of State of Georgia vs.
DANIS RONALD MARY, Case No. 12CR-0218. There pending and from
term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 22nd day
of APRIL 2013.

If you have questions, contact Attorney for Plaintiff / Defendant

GREG G. ALLEN, CLERK SUPERIOR COURT

JAMES S. HARDY II
351-B DALLMAN ST
CUMMING, GA 30040

Phone: 770-886-1416

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney / Solicitor
General's Office at (770) 781-2125 or (770) 781-2145.

**IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,

v.

DENNIS RONALD MARX,

Defendant.

) **CRIMINAL ACTION**
) **FILE NO.: 12CR-0218**
)
)
)
)
)
)

**FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE**

JUN 13 2013

CLERK SUPERIOR COURT

ORDER ON DEFENDANT'S MOTION TO SUPPRESS

The above-styled action came before the Court on June 3, 2013, for a hearing on the Defendant's *Motion to Suppress*. At the hearing the State was represented by Assistant District Attorney James Dunn and the Defendant was represented by James E. Hardy, II, Esq. Upon consideration of the entire criminal action file, all record evidence, witness testimony, and arguments of counsel, the Court finds and ORDERS as follows:

When considering a motion to suppress, a trial court "hears the evidence, and his findings based upon conflicting evidence are analogous to the verdict of a jury and should not be disturbed by a reviewing court if there is any evidence to support them." Carter v. State, 319 Ga. App. 624, 624 (2013). Given our appellate courts' deference to trial court findings of fact made by trial courts during rulings



on motions to suppress, this Court will strive to set forth the facts as it finds them to be as may be and as may be necessary to make in order to arrive at relevant conclusions of law.

BACKGROUND

By way of background, the Defendant was arrested on August 10, 2011, following the execution of a search warrant by the Forsyth County Sheriff's Office's ("FCSO") Special Weapons and Tactics ("SWAT") team at the residential address of 1405 Lakeside Trail, Cumming, Georgia 30041. The FCSO seized drugs, cash, property and guns during execution of the warrant.

Following his arrest, the Defendant filed his initial suppression motion on August 17, 2011, which he titled "Motion for Disclosure of Items Arguably Subject to Suppression and Preliminary Motion to Suppress." The Defendant was thereafter released pursuant to the terms of a consent bond order on or about August 26, 2011.

Following his release from custody, the Defendant opted into reciprocal discovery, pursuant to OCGA § 17-16-1, on August 30, 2011. Simultaneously, the Defendant filed a motion titled "Motion to Suppress."

On April 9, 2012, the grand jury then empaneled returned a true bill of indictment therein charging the Defendant with two counts of sale of marijuana

(Counts 1 and 2), possession of marijuana with intent to distribute (Count 3), possession of a firearm during commission of a felony (Count 4), possession of alprazolam with intent to distribute (Count 5), and criminal attempt to manufacture marijuana (Count 6).

The Defendant filed his First Amended Motion in Limine/To Suppress on May 9, 2012, which articulated the basis upon which the Defendant sought suppression of the evidence obtained during the execution of the search warrant. Specifically, the Defendant seeks to have this Court suppress the evidence because: (1) of the State's alleged violation(s) of the video warrant application requirements of OCGA § 17-5-21.1; (2) absence of the "no knock" provision; and (3) an allegedly illegal forced entry.

The Court will collectively consider all of the above-stated iterations of Defendant's prior evidentiary suppression requests since August 17, 2011.

ANALYSIS

The Defendant first claims that the Court should suppress the seized evidence because the State allegedly violated the video warrant application requirements imposed by OCGA § 17-5-21.1(e). That statutory provision provides:

A video recording of the application hearing and any documents submitted in conjunction with the application *shall* be maintained as part of the record.

(Emphasis supplied). As this Court has previously stated in similar orders,¹ the Georgia legislature has authorized courts to hear search warrant applications via video conference. The legislature established special procedural requirements to govern such video conference search warrant application hearings. Video conference search warrant application procedures have enhanced the efficiency of judicial proceedings and assists in the rapid disposition of judicial matters.² While there are drawbacks to videoconferencing which include, to a large extent, difficulty in gauging witness demeanor, the Defendant has cited to no example demonstrating how the failure to preserve a copy of the videotaped application hearing violated the Defendant's fundamental constitutional rights. Even though the hearing was conducted via video conference, the applicant was still required to comply with the requirements of OCGA §§ 17-5-22, 23, 24 and 25. OCGA § 17-

¹ See Orders filed on June 9, 2006 and December 15, 2006 in State v. Steven C. Daniel and Kristin G. Daniel (*Criminal Action File No.: 05CR-0314, Forsyth County Sup. Ct.*). In that case, this Court issued a *Certificate of Immediate Review* on December 26, 2006. The Court of Appeals granted the Defendant's application for interlocutory appeal on February 2, 2007 (*Court of Appeals Docket No.: A07A1236*), but later, on August 10, 2007, dismissed the appeal without reaching the merits of the appealed issues.

² See Fern L. Kletter, J.D., Constitutional and Statutory Validity of Judicial Video Conferencing, 115 A.L.R. 5th 509 (2006).

5-21.1 does not lift these other strict statutory requirements which include, for example, the filing of search warrant application materials with the Clerk of Court, the maintenance of judicial search warrant dockets, timing requirements imposed for execution of the warrant, and the placement of a duplicate copy of the warrant at the place searched. The need for recordation of the video conference is lessened as the affidavit(s) in support of the search warrant are still required to be filed.³

Here, the officer testified during the hearing the Motion to Suppress that he did not give any additional oral testimony to the magistrate outside of what was already contained in his written affidavit offered in support of the search warrant application. And to the extent that the Defendant claims that the magistrate failed to actually read the affidavit in support of the application, the officer also testified that the magistrate read the affidavit prior to swearing the officer; therefore, the time stamp relied upon the Defendant does not persuade the Court to find that the magistrate failed to read the affidavit.

The Court finds that the purpose of OCGA § 17-5-21.1(e)'s recordation requirement is related to the fact that it is usually extremely difficult, if not impossible, for either an officer or magistrate to remember precisely what the

³ The Court notes, and is aware, that the statute governing arrest warrant video conference application hearings does not require that the hearing be recorded. OCGA § 17-4-47.

office said during the warrant application hearing. Therefore, every reasonable effort should be made to ensure that all of the information given to the magistrate is preserved. Failure to do this, however, has been held not to be error. See, e.g., King v. State, 263 Ga. 741, 744 (1994)(Georgia law neither requires, nor even suggests, that magistrate court warrant hearing be recorded).

The Defendant seeks strict compliance with the statutory language. A close reading of OCGA § 17-5-22.1 indicates that only *if* a recording is made, then, and only then, must a copy of the recording be maintained. This is the impetus for the Defendant's argument that the statute's use of the term "shall" actually means "shall." And while the Court agrees with the Defendant that "shall" means "shall," this Court does not agree that OCGA § 17-5-21.1 *requires* that a recording be made of the application hearing. At best, the statute merely *suggests* that a recording of the video conference be made. See, e.g., King v. State, supra. Nor did the General Assembly draft the statute to say that a video recording of the application hearing "shall" be made. Even though the better practice is to record all video conference application hearings, a strict reading of the statute does not absolutely require that a recording be made and preserved. In other words, if a recording of the application hearing is made then it shall be maintained.

Presuming, as argued by the Defendant, that a recording was made and was lost or accidentally⁴ destroyed, then is the Superior Court required to suppress the seized evidence due to the technical violation? The Court answers this question in the negative. A technical violation absent some showing of actual prejudice to the Defendant is not enough.⁵ See OCGA § 17-5-31 (“No search warrant shall be

⁴ There is no evidence of spoliation of the recording by the FCSO or other agent of the State.

⁵ As recently noted by the United States Supreme Court in Davis v. U.S., 131 S.Ct. 2419 (2011):

“The Fourth Amendment protects the ‘right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.’ The Amendment says nothing about suppressing evidence obtained in violation of this command. That rule—the exclusionary rule—is a ‘prudential’ doctrine . . . created by [the United States Supreme Court] to ‘compel respect for the constitutional guaranty.’ . . . Exclusion is ‘not a personal constitutional right,’ nor is it designed to ‘redress the injury’ occasioned by an unconstitutional search. . . . The rule’s sole purpose, [the United States Supreme Court] ha[s] repeatedly held, is to deter future Fourth Amendment violations. . . . [These] cases have thus limited the rule’s operation to situations in which this purpose is ‘thought most efficaciously served.’ . . . Where suppression fails to yield ‘appreciable deterrence,’ exclusion is ‘clearly . . . unwarranted.’

Real deterrent value is[, therefore,] a ‘necessary condition for exclusion,’ but it is not ‘a sufficient’ one. . . . The analysis must also account for the ‘substantial social costs’ generated by the rule. . . . Exclusion exacts a

quashed or evidence suppressed because of a technical irregularity not affecting the substantial rights of the accused.”); see also, State v. Stafford, 277 Ga. App. 852 (2006)(despite OCGA § 17-5-25’s duplicate copy requirement, leaving unsigned copy of warrant with defendant was at most technical violation of warrant requirements and not violation of Fourth Amendment). While there is no Georgia appellate case directly on point, the Court has located persuasive authority from sister jurisdictions which also appear to hold that a technical violation of the search warrant statute is not enough to trigger the exclusionary rule. See, e.g., State v. Moreno-Gonzalez, 18 So.3d 1180 (Fla. App. 2009)(failure to sign search warrant, though required by statute, did not render warrant invalid given sworn statement by applicant to magistrate during warrant hearing); Smith v. State, 207 S.W.3d 787

heavy toll on both the judicial system and society at large. . . . It almost always requires courts to ignore reliable, trustworthy evidence bearing on guilt or innocence. And its bottom-line effect, in many cases, is to suppress the truth and set the criminal loose in the community without punishment. . . . Our cases hold that society must swallow this bitter pill when necessary, but only as a ‘last resort.’ . . . For exclusion to be appropriate, the deterrence benefits of suppression must outweigh its heavy costs. . . .”

(Internal Citations Omitted.) For the reasons outlined in this Order, the Court finds that the lack of a recording, though a technical violation of the statute, does not warrant the heavy cost of suppression in this instance.

(Tex. Crim. App. 2006)(holding that technical violation of warrant application statute does not automatically rise to level of suppression of evidence because court envisioned usage of telephonic and video conference application hearings in future which would satisfy defendant's due process concerns even though they may result in technical violation of warrant application statute). Rather than automatic suppression of evidence, as requested by the Defendant, this Court, in consideration of the motion to suppress, will instead decline to consider any oral testimony, or other testimony outside the affidavit, which the applicant submitted to the magistrate thereby allowing the probable cause determination to rest *solely* upon the affidavit. See Macias v. State, 292 Ga. App. 225 (2008). The Court **DENIES** the Defendant's *Motion to Suppress* based upon this asserted claim.

Next, the Defendant urges this Court to suppress the seized evidence because the FCSO SWAT team executed the search warrant as if it were a "no knock warrant" despite the fact that the search warrant, in actuality, lacked a "no knock" provision and allegedly used excessive force. Generally, "police must make a good faith attempt to verbally announce their authority and purpose before entering a building to execute a search warrant." Jackson v. State, 280 Ga. App. 716-717-718 (2006); see also Cook v. State, 255 Ga. App. 578, 579 (2002). A no-knock warrant may be issued where the applicant demonstrates to the magistrate

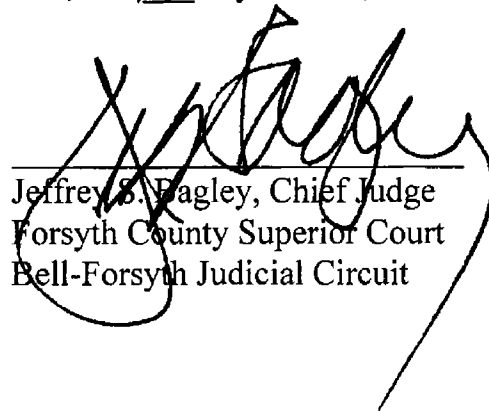
that announcement of the police's impending search would endanger the officers or would inhibit the investigation of the crime. State v. Cash, 316 Ga. App. 324, 326 (2012). An invalid "no-knock " provision will render the execution of the warrant illegal and support the trial court's grant of a motion to suppress. Id. at 326 (citing State v. Barnett, 314 Ga. App. 17, 18–19 (2012) and Richards v. Wisconsin, 520 U.S. 385, 393–394 (1997)).

Here, the warrant did not contain a no-knock provision. The officers knocked on the front door of the residence and the Defendant appeared. The Defendant opened the door thereby leaving only a screen door closed between the officers and the Defendant. The officers opened the screen door upon announcement of the execution of the warrant and forcefully pushed their way into the home via the residence's front door. The officers thereafter made forceful entry into other entry points but only after they announced their intent to enter in an effort to execute the search warrant. The officers did not, despite the Defendant's argument to the contrary, proceed on a no-knock basis.

"A criminal suspect does not have a right to destroy evidence and the police are authorized to use reasonable but not excessive force in preventing the destruction or concealment of evidence." Sanders v. State, 247 Ga. App. 170, 172 (2000). The officers are not required to take the Defendant at his word that he will

do them no harm upon their entry or otherwise attempt to destroy evidence. The officers are, therefore, permitted to enter the home with a reasonable amount of force to ensure their safety and to secure discovered evidence of a crime. Nothing about the officers' actions warrants suppression of the evidence. The fact that the Defendant believes that excessive police force was used against him by the officers upon their entry into the home may be grounds for a civil suit but such argument is not persuasive in this criminal context and does warrant the suppression of evidence. The Defendant's *Motion to Suppress* is **DENIED** as to this claim as well.

It is so ORDERED, this 12th day of June, 2013.




Jeffrey S. Bagley, Chief Judge
Forsyth County Superior Court
Bell-Forsyth Judicial Circuit


Distribution List

Original: Clerk of the Forsyth County Superior Court

cc: James Dunn, ADA
Office of the District Attorney
100 Courthouse Square, Suite 200
Cumming, Georgia 30040
(Via first-class U.S. mail delivery)

 Transmitter's initials

James E. Hardy, II, Esq.
James E. Hardy, II, P.C.
341-C Dahlonega Street
Cumming, Georgia 30040
(Via first-class U.S. mail delivery)

 Transmitter's initials

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

DENNIS RONALD MARX

*
*
*
*
*

FORSYTH COUNTY GEORGIA

FILED IN THIS OFFICE INDICTMENT NO.

JUN 19 2013 12CR-0218

L. H. Allen
CLERK SUPERIOR COURTNOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of August 5, 2013 and August 12, 2013. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on July 10, 2013 at 1:30 PM before the Honorable Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.

The Defendant and his/her attorney are also required to appear for Priority Calendar Call on August 2, 2013 at 8:30 AM to be announced before the Honorable Jeffrey S. Bagley, unless previously excused by the Court.

ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the 20th day of June, 2013.

SAP	JAIL BUSTERS	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		351-B DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRL CUMMING GA 30041

I hereby certify that I have this date served the Defendant and Defendant's Attorney of Record and Bondsman with a copy of the foregoing documents by United States mail, with sufficient postage affixed to ensure proper delivery. I also hereby certify that I have this date served the District Attorney's office with a copy of the foregoing documents by hand delivery.

Patricia Terrazas
PATRICIA TERRAZAS/LINDSAY EMORY
Criminal Calendar Clerks
Superior Court of Forsyth County
Bell-Forsyth Judicial Circuit
(678) 965-7144; (678) 965-7149 Fax
pterrazas@forsythco.com

12CR-0218
JTN
Jury Trial Notice
503748



IN THE SUPERIOR COURT OF FORSYTH COUNTY

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

JUN 21 2013

STATE OF GEORGIA

STATE OF GEORGIA

VS.

DENNIS RONALD MARX

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INDICTMENT NO.

12CR-0218

NOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of August 5, 2013 and August 12, 2013. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on July 10, 2013 at 1:30 PM before the Honorable Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.

The Defendant and his/her attorney are also required to appear for Priority Calendar Call on August 2, 2013 at 8:30 AM to be announced before the Honorable Jeffrey S. Bagley, unless previously excused by the Court.

ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the ~~10th~~ ^{21st} day of June, 2013.

SAP	JAIL BUSTERS	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		351-B DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRL CUMMING GA 30041

I hereby certify that I have this date served the Defendant and Defendant's Attorney of Record and Bondsman with a copy of the foregoing documents by United States mail, with sufficient postage affixed to ensure proper delivery. I also hereby certify that I have this date served the District Attorney's office with a copy of the foregoing documents by hand delivery.

Lindsay Emory
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12CR-0218
JTN
Jury Trial Notice
504564



FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

JUN 24 2013

A. A. Cobb
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

v.

DENNIS RONALD MARX,

Defendant.

INDICTMENT NO. 12CR-0218

CERTIFICATE OF IMMEDIATE REVIEW
(O.C.G.A. § 5-6-34)

WHEREAS, the Indictment in the above-styled case was returned by the Grand Jury as a True Bill, and the same was filed of record on April 9, 2012; and,

WHEREAS, the Defendant was charged by said Indictment, In Count I, with O.C.G.A. § 16-13-30, Sale of Marijuana; In Count II, O.C.G.A. § 16-13-30, Sale of Marijuana; In Count III, O.C.G.A. § 16-13-30, Possession of Marijuana with Intent to Distribute; In Count IV, O.C.G.A. § 16-11-106, Possession of a Firearm in the Commission of a Felony; In Count V, O.C.G.A. § 16-13-30, Possession of Alprazolam, a Schedule IV Controlled Substance, with Intent to Distribute; and, In Count VI, Criminal Attempt to Manufacture Marijuana.

WHEREAS, the Defendant entered a plea of "Not Guilty" to all Counts of the Indictment; and,

WHEREAS, the Defendant's *Motion In Limine / to Suppress* as well as the Defendant's *First Amended Motion In Limine / to Suppress* were timely filed; and,

WHEREAS, the Defendant's *First Amended Motion In Limine / to Suppress* was heard on June 3, 2013; and,

12CR - 0218
CERIMR
Certificate: Immediate Review
505428

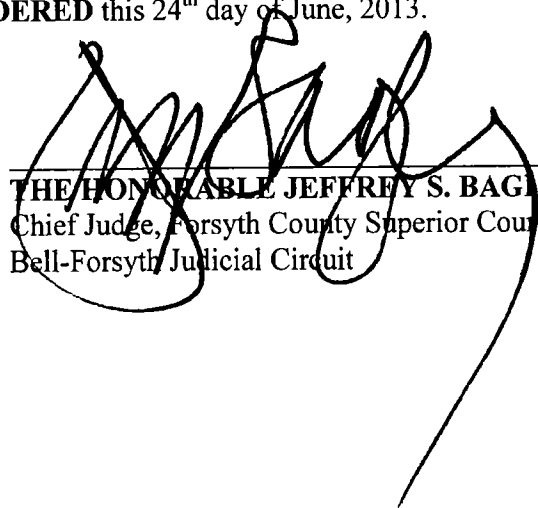


WHEREAS, the Court denied said *First Amended Motion In Limine / to Suppress* via his written *Order* drafted on June 12, 2013, the same being filed and entered of record on June 13, 2013; and,

WHEREAS, upon the Court's pronouncement of its ruling denying the Defendant's *First Amended Motion In Limine / to Suppress*, the Court, further pronounced that the Court would grant the Defendant a Certificate of Immediate Review if one were requested, as the issues raised therein having to do with the search warrant application under O.C.G.A. § 17-5-21.1, as well as the execution of said search warrant by the Forsyth County SWAT Team, to be of such importance to the case that immediate review should be had; and,

WHEREAS, the Court issues this *Certificate of Immediate Review*, pursuant to O.C.G.A. § 5-6-34, and by way thereof, the Court is **HEREBY PERMITTING APPLICATION FOR INTERLOCUTORY APPEAL** of its said June 13, 2013 *Order* denying the Defendant's *First Amended Motion In Limine / to Suppress*.

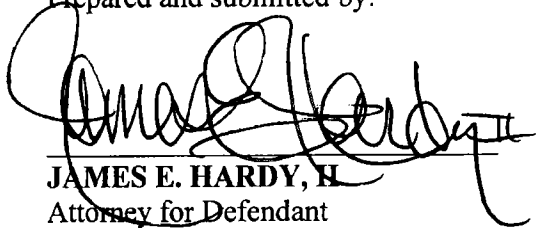
SO CERTIFIED AND ORDERED this 24th day of June, 2013.



THE HONORABLE JEFFREY S. BAGLEY
Chief Judge, Forsyth County Superior Courts
Bell-Forsyth Judicial Circuit

(CONTINUED ON NEXT PAGE)

Prepared and submitted by:

A handwritten signature in black ink, appearing to read "James E. Hardy, II", is written over a horizontal line.

JAMES E. HARDY, II
Attorney for Defendant
Ga. Bar No. 325790

JAMES E. HARDY, II, P.C.
351-B Dahlonga, Street
Cumming, Georgia 30040
(770) 886-1996

Court of Appeals of the State of Georgia

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

AUG 02 2013

[Signature]
CLERK SUPERIOR COURT

ATLANTA, July 31, 2013

The Court of Appeals hereby passes the following order

A13I0287. DENNIS RONALD MARX v. THE STATE.

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

LC NUMBERS:

12CR0218



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 31, 2013.*

*I certify that the above is a true extract from the minutes of
the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
affixed the day and year last above written.*

Hally K. O. Sparrow, Clerk.

12CR-0218
APL
Appeal
527704



IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

SEP 06 2013

CLERK SUPERIOR COURT

STATE OF GEORGIA

VS.

DENNIS RONALD MARX

INDICTMENT NO.

12CR-0218

NOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of October 7, 2013 & October 14, 2013. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on September 25, 2013 at 1:30 PM before the Honorable Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.

The Defendant and his/her attorney are also required to appear for Priority Calendar Call on October 4, 2013 at 8:30 AM to be announced before the Honorable Jeffrey S. Bagley, unless previously excused by the Court.

ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the 6th day of September, 2013.

SAP	JAIL BUSTERS	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		351-B DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRL CUMMING GA 30041

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12CR-0218
JTN
Jury Trial Notice
546069



IN THE SUPERIOR COURT OF FORSYTH COUNTY

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

NOV 05 2013

STATE OF GEORGIA

STATE OF GEORGIA

*

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VS.

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DENNIS RONALD MARX

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INDICTMENT NO.

12CR-0218

4/2/002
CLERK SUPERIOR COURTNOTICE OF JURY TRIAL

The above-styled case has been placed on a trial calendar for week(s) of December 9, 2013. The Defendant is required to appear for Calendar Call at the Forsyth County Courthouse on November 13, 2013 at 1:30 PM before the Honorable Jeffrey S. Bagley. Failure to appear will result in the issuance of a bench warrant. Defense counsel will not be required to appear upon submission of a written announcement of ready that must be received by the Criminal Calendar Clerk, no later than the close of business the day **BEFORE** the initial Calendar Call.

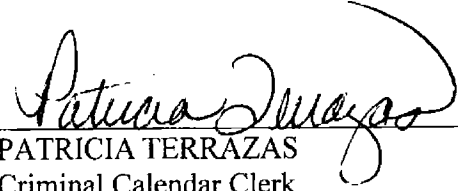
The Defendant and his/her attorney are also required to appear for Priority Calendar Call on December 6, 2013 at 8:30 am to be announced before the Honorable Jeffrey S. Bagley, unless previously excused by the Court.

ALL Pre-trial motions must be timely filed and set by Rule Nisi, provided to the Criminal Calendar Clerk, no later than the initial Calendar Call. Cases not called for trial on Monday of trial week, and not otherwise resolved, will be subject to one-hour call for the remainder of the week(s), unless otherwise directed by the Court.

This the 1st day of November, 2013.

SAP	JAILBUSTERS	JAMES E HARDY, II	DENNIS RONALD MARX
Penny A. Penn		351-B DAHLONEGA ST CUMMING GA 30040	1405 LAKESIDE TRL CUMMING GA 30041

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12CR-0218
JTN
Jury Trial Notice
579894

